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**QUESTIONED SOVEREIGNTIES: INDEPENDENCE REFERENDUMS
AND SECESSION IN A COMPARATIVE PERSPECTIVE**

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PhD

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DECLARATION

I declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where states otherwise by reference or acknowledgment, the work presented is entirely my own.

Alexandra Remond

30th of October, 2017

A handwritten signature in black ink, appearing to read 'Alexandra', with a stylized, flowing script.

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ABSTRACT

This thesis considers the use of independence referendums in state-creation. It investigates whether and how an independence referendum affects secessionist dynamics, and may increase or decrease the likelihood of secession. The analysis consists of a quantitative and qualitative mixed-methods approach, which includes the creation of a new dataset on secessionist movements and independence referendums from 1905 to 2014, and an in-depth comparative study of Quebec and Montenegro. Independence referendums, as sovereignty referendums, ask the ‘people’, symbolic holders of the sovereign authority of a state under a democratic regime, whether their sovereignty should remain represented by the current state, or by a new independent sovereign state. A distinction between unilateral and agreed independence referendums is made in order to consider when and how ‘the will of the people’ determines state-creation. It is argued that only an agreed independence referendum can ensure that the referendum itself determines the secessionist outcome. The thesis argues that independence referendums are an important legitimisation tool and their outcome’s binding effect is primarily a result of political, rather than legal, dynamics.

The reasons behind the calling and holding of an independence referendum, and why a state government would consent to it, are analysed to account for a possible problem of endogeneity whereby the presence of an independence referendum might be determined by how likely the secessionist movement is to secede in the first place, regardless of the plebiscite. An institutional arrangement that allows for internal self-determination (such as ethnic-federalism), and access to executive powers at the regional level, was found to facilitate the mobilisation of the population in favour of secession, and the ability to call and hold a plebiscite. It is not in itself sufficient however to secure a majority in favour of independence, and other societal, political and economic contextual factors need to be taken into account to explain why a population would wish to secede.

Focusing on consensual independence referendums agreed by both the government of the existing state and secessionist leaders, the thesis further explores when and how an independence referendum affects the likelihood of secession, notably existing popular support for independence. The thesis finds that the design and campaign in particular are important elements in deciding whose support counts, how much of it is needed, and how

it can be mobilised. Nonetheless, the referendum process, who participates in it and to what extent existing preferences on the question of independence can be altered are context-dependent.

Finally, the perceived legitimacy of the referendum process and outcome are argued to be essential for the voting result to be binding on actors operating at the sub-state level, state level and international level and the independence referendum to successfully answer the question of secession. The review of independence referendums since the turn of the 20th century and the thesis findings suggest that independence referendums not only create important precedents within the state they are held, but also have international consequences. As democratic norms compete with the principle of state integrity and becomes entangled with a nationalist narrative, independence referendums may have an increasingly important role to play in state-creation.

LAY SUMMARY

This thesis considers the use of independence referendums in state-creation and whether and how such forms of popular consultations can increase or decrease the likelihood of secession occurring. The thesis first reviews the existing literature around secession and independence referendums, along with the key concepts associated with them such as legitimacy, legality and democracy. Hypotheses are formulated based on existing knowledge around independence movements and referendums to consider what we would expect a referendum on independence to do when it is held, would it be in mobilising people to vote a certain way or how it would make achieving independence easier or more difficult and why.

To test these hypotheses and learn about the consequences of independence referendum the first analytical section considers the practice of independence referendum over time and in a comparative perspective. A dataset referencing 225 secessionist movements helps uncover which type of secessionist movement have held and independence referendum between 1905 and 2014, which one have achieved statehood, and whether the presence of an independence referendum can account for the observed outcome. This first step shows that it is important to differentiate between a referendum process which is consented by the official government of the state and those that are held unilaterally by the secessionist movements.

The second section analyses further the effect of an independence referendum on the likelihood of seceding by focusing on two case-studies: Quebec, and its two independence referendums in 1980 and 1995; and Montenegro in 2006. It starts by investigating how and why the referendums came about and how they came to be 'agreed' processes between the federal governments and the secessionist actors. The design of the referendum is scrutinised, from who could vote, on what question and how many votes in favour of independence were needed, to assess which of the Yes and No side was in a better position to win the referendum. Finally, the review of the referendum campaigns and the evolution of the electoral preferences shows which sides in favour or against independence was most successful in gathering support and whether the outcome was perceived by most actors involved in the process as a free and fair expression of the 'will of the people'.

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LIST OF ABBREVIATIONS AND ACRONYMS

ADQ	Action Democratic du Quebec
BQ	Bloc Québécois
CEDEM	Centre for Democracy and Human Rights
CEMI	Centre for Monitoring and Research
CFSP	Common Foreign and Security Policy
DA	Discourse Analysis
DOS	Democratic Alliance
DSS	Democratic Serbian Party
DPS	Democratic Party of Socialists of Montenegro
EU	European Union
EPR	Ethnic Power Relations
FRY	Federal Republic of Yugoslavia
LSCG	Liberal Alliance of Montenegro
MAR	Minorities at Risk
NS	The People's Party
OSCE/ODIHR	Organization for Security and Cooperation in Europe / Office for Democratic Institutions and Human Rights
PQ	Parti Québécois
PQL	Quebec Liberal Party
RRC	Republican Referendum Committee
ROC	Rest of Canada
SDP	Social Democratic Party
SFRY	Socialist Federal Republic of Yugoslavia
SNP	Socialist People's Party of Montenegro
SNS	Serbian People's Party (Montenegro)
TfY/TfC	Together for Yugoslavia/Change
UDI	Unilateral Declaration of Independence
UN	United Nations
USSR	Union of Soviet Socialist Republics

INTRODUCTION

On the 18th of September 2014, a week after the official start of this PhD thesis, Scotland held a referendum asking its people whether they wished to remain part of the United Kingdom or become a new independent sovereign state. Three years on, the government of Catalonia followed the Scottish example and held a referendum to separate from Spain on the 1st of October. The UK government did not contest Scotland's right to secede and engaged in negotiations over the referendum process leading to the Edinburgh Agreement in 2012. The Spanish government, on the other hand, has categorically refused to acknowledge the possibility of Catalonia separating and the Spanish Constitutional Court ruled secession unconstitutional (Keating 2017b).

While both events call into question the constitutional and territorial integrity of their respective 'host-states', the case of Scotland was a consensual and legal process that markedly contrasts with the current situation in Catalonia. In Catalonia, on referendum day, the Spanish government sent police and riot forces to prevent voting, leading to scenes rarely seen in an established democracy of people being forcibly removed when trying to cast a ballot. The resulting overwhelming Yes majority (90% with an estimated 43% turnout) was followed four weeks later by the Catalan government declaration of independence from Spain. This declaration of independence is unlikely to be recognised by the Spanish Government, the official, sovereign authority over the country at the international level.

Secessionist movements call for a statehood on behalf of a people: a nation in need of a state and where the 'people' are sovereign. Calls for independence of a sub-national territory (here referred to as 'region') challenges the current dominant doctrine of states' territorial integrity and its legitimacy. Sovereignty refers to the Westphalian principle that nation-states are independent actors within the international system and holders of the supreme political authority over their territory (Crawford 2006, 32). The advance of democratic norms and nationalism since the 18th century has led to the authority of the state and its legitimacy to be equated with its inhabitants. Sovereignty now also stems from the symbolic principle of popular sovereignty, a property of the people represented by its government (Şen 2015, 23).

Referendums in modern democracies are one of the few mechanisms allowing for the direct expression of the “will of the people” without the intermediary of political representatives. A sovereignty referendum offers an opportunity for the people to directly express their democratic right of self-determination by deciding where and how their sovereignty should be applied (Tierney 2009; Suksi 1993, 235). More specifically, it determines which institutions should represent their sovereign rights, have authority over them, and govern on their behalf.

A sovereignty referendum on independence asks whether such sovereignty should be transferred to a new independent sovereign state. It originates from the combination of the democratic principle that people should rule themselves and that a self-identified cultural collectivity – as a nation – has a right to such self-rule in its fullest form: statehood. Accordingly, an independence referendum, as a state-creation device, is embedded within notions of legitimacy, democracy and self-determination.

The recent events in Scotland, Catalonia and Crimea¹ among others have generated a renewed scholarly interest in this form of public consultation over questions of sovereignty. Yet, little is known about their consequences. Do independence referendums indeed lead to statehood if a majority of the ‘people’ wish so? How do they affect the likelihood of successfully seceding? Can the very presence of an independence referendum affect the secessionist dynamics that brought it forward?

Understanding a possible growing trend

The literature to date offers an extensive review of the historical practice of constitutional and sovereignty referendums, and its specific sub-type, independence referendums (e.g. Laponce 2004; Sussman 2006; Qvortrup 2014a/b; Mendez and Germann 2016). Yet, as pointed out by Mendez and Germann (2016, 4) there is a lack of conceptual and definitional consensus around sovereignty referendums and what constitutes an independence referendum in particular. Beyond chronological and conceptual reviews of independence referendums as a specific type of referendum, there has also been a growing body of literature on their normative and legal implications (Pavković and Radan 2007; Radan 2012; Tierney 2012; Vidmar 2013; Oklopčić 2015; Şen 2015).

Some studies have considered whether sovereignty referendums are conducive to peace or further conflict (e.g. Laponce 2004; Wheatley 2012; Lee and MacGinty 2012; Germann

¹ The Autonomous Republic of Crimea held a controversial referendum on March 16, 2014 on its status as the region was facing a military take-over from Russia. It gave the option to join Russia as one of its constituent republics. The referendum and its outcome was not internationally recognised and led to tensions between Western countries and Russia.

2017). Empirical studies addressing the subject matter of independence referendums are more sporadic and overly focus on a few, predominantly western, case studies (e.g. Laponce 2009; Muñoz and Guinjoan 2013; Adam 2014) with Quebec being by far one of the most studied examples (c.f.. Lévesque and Pelletier 2005). Yet, these studies do not consider the role of the referendum itself, but rather study either the secessionist movements at large or the referendum campaign in isolation.

I wish to address this gap in the literature by considering independence referendums within their subject matter: state-creation; and more precisely the secessionist dynamics that bring them forward. In order to better understand independence referendums, a review of their practice in a comparative perspective is needed to display how they come about, how they are conducted and their potential consequences. Furthermore, a comparative approach also allows for the identification of similarities, trends, difference and exceptions leading to a possible generalisation that can be used to analyse and understand future independence referendums.

At the time of writing, in addition to Catalonia and Kurdistan having held a referendum in October 2018, at least two more independence referendums have been planned in the near future in New Caledonia (2018, from France) and Bougainville (2019, from Papua New Guinea); and possibly a second plebiscite² in Scotland following the end of the ‘Brexit’ process if the UK withdraws from the European Union. With over an estimated 300 secessionist movements since the 1900s (Fazal and Griffiths 2014, 83), and over 5,000 territorially concentrated groups which differ in their language or religion from the majority population of the existing state (Hannum 1990), there is potential for more independence referendums to be called and held.

It is therefore essential to gain a better understanding of their role and consequences, from their bearing on the international state-system, to how they affect the societies in which they are held. As we will see in the first chapter, scholars are divided on whether they are helping answer political and societal conflicts generated by separatism peacefully, or whether they bring additional negative dynamics and generate more conflict. Indeed, the division generated between ‘Yes’ and ‘No’ supporters during referendums may be heightened on issues of independence, leading to a form of “peaceful civil war” (Chambers 2001, 247). These arguments are mostly based on anecdotal evidence and the field still lacks large or small-N studies to test such assumptions and understand the possible effects of independence referendums beyond legal or conflict studies.

² This term is used interchangeably with ‘referendum’ throughout the thesis.

There is to date no systematic review of how many independence referendums do indeed result in secession in the first place, and whether the referendum was a determinant factor in the process. Independence referendums have taken place in a variety of contexts and under different formats. From Norway to Scotland passing by South-Ossetia and Eritrea, including peaceful and violent situations, well-established, centuries old ‘unions’ and newly born states, rich and poor regions, and where the legal right to secede was constitutionally asserted or silent. Some referendums are unlikely to have met the democratic credentials of a ‘free and fair’ process reflecting the genuine ‘will of the people’ on the question subject to them.

Hence, it is worth considering to what extent independence referendums are comparable and which key variables matter in allowing for this form of consultation, as a popular consultation device, to operate and ‘let the people decide’. Furthermore, a better understanding of the role of independence referendums in secessionist dynamics, notably when and how it can make a difference to the likelihood of secession is important for practitioners to consider the advantages and drawbacks of this form of consultations as a means to answer separatist claims. If the practice is indeed to become an essential step in state-creation in the future as the thesis will argue, then it is essential to know what we are dealing with.

While an important question, I do not wish to make a normative statement about the morality of secession or referendums as a democratic instrument. They do arise as part of the general analysis in specific case-studies, but the focus remains on the empirical manifestation of independence referendums and their origins and consequences. This is an essential first step for future normative appraisal of the practice based on a deeper understanding of the mechanisms behind independence referendums.

The overarching research question of the present thesis is what are the implications of independence referendums on secessionist dynamics? More specifically, I wish to know whether independence referendums increase or decrease the likelihood of secession, and if so, how? Since secessionism is both an internal – domestic – phenomena that affect society and politics within a state, and potentially an external – international – process with the need for international recognition of states that a peer has joined the international system (state-creation); I consider this question from the disciplines of International Relations and Political Science, and the underlying sociological and legal underpinning of both referendums and secession.

Core concepts and Arguments

Secession occurs when a territorial entity separates itself from a pre-existing state and receives international recognition forming a newly independent sovereign state. Wood (1981, 111) conceived secession as a political disintegration where political actors withdraw their loyalties, expectations and political activities from the justification of the current state. It is an act of separation, generally referred to by the leading protagonists as ‘independence’, resulting in statehood. ‘Secession’ ‘separation’ and ‘independence’ are therefore closely associated but tend to have more or less positive connotation when used by practitioners and scholars alike.

Secessionist dynamics, used here as an umbrella term encompassing the contextual factors feeding both the *incentive* and *capability* to secede, can vary considerably from one secessionist case to the next. From the history of the host-state and the region at stake, a particular set of institutions, societal makeup, or the economy, such circumstantial factors can affect the ability of secessionist actors to mobilise the population and stand against the host-state to achieve independence. The context and its perception also provide incentives for individuals to support a new sovereign state. How independence referendums fit in this picture and how in turn it may affect those dynamics, and whether and how it may increase or decreases the likelihood of secession occurring (centripetal or centrifugal tendencies) is yet to be addressed.

Referendums are a political consultation device where the voters decide on the proposed question and, generally, determine the outcome. In this thesis, they include both binding and consultative referendums, and legal and illegal in regards to the constitution in line with existing comparative works (Mendez and Germann 2016, 4). Furthermore, referendums, especially on salient issues, have been found to be increasingly politically binding on the elites even when they are not in legal terms (Morel 2007; Goodin 2008).

An independence referendum is an intervening variable within secessionist dynamics which brings the decision to secede into the hands of an electorate. I suggest it can have either a mediating effect: it reflects existing support for independence among the consulted people without affecting it, facilitating secession when support is above a majority; or a moderating effect whereby it can also affect the existing level of support for secession and therefore the secessionist outcome.

Five major themes and arguments run throughout the thesis, connecting the state (macro-level) and regional (meso-level) associated with secessionism, and individual voters (micro-level) behind referendums. First, I explore and argue for the essential legitimising role of independence referendums in secessionism through the ‘will of the people’. Within this, two important claims: firstly, the essential need to differentiate between an *agreed*

and *unilateral* referendum process. Only in an agreed process does the ‘will of the people’ determine statehood. Agreement is operationalised as both the host-state government and secessionist leaders consenting to the process by (a) a lack of outright opposition, and (b) engagement with the referendum process. Secondly, I argue that in an agreed process consent is more important than legality, and whether the region or the people subject to the referendum have a legal right to secede. The perceived legitimacy of the referendum itself is essential for actors to recognise its outcome as binding.

Thirdly, based on the distinction between agreed and unilateral referendums, I argue and test that only the former is a state-creation tool allowing for direct popular participation, and should, therefore, be the primary focus of study when trying to answer the present research questions. An agreed independence referendum, because it removes the host-state opposition, by default increases the likelihood of secession. Yet, we should account for the fact that a referendum may be called by secessionist actors when it is more likely to be won – when support for independence stands at 50 percent or above. Reversely, a host-state government may only consent to the plebiscite because secession is unlikely to happen due to low support. These two possibilities, along with other motivations behind the calling and holding of such referendums, are investigated to account for a possible problem of endogeneity whereby the presence of an independence referendum is associated with its secessionist outcome.

Focusing on agreed independence referendums specifically, I argue that two major components play a role in increasing or decreasing the likelihood of seceding: the referendum design and campaign. The third focus of the thesis is therefore how the referendum design features can make a difference to the referendum outcome, especially: the franchise, special referendum quorums and the campaign design. Fourth, the focus on the referendum campaign as a mobilisation platform.

Referendums campaigned for in a generally free and fair process, have a finite ability to change existing voting intentions, especially with highly salient issues such as the one of independence. This room for manoeuvre by either side of the debate also depends on how many undecided voters there are, and how strongly existing preferences are held. For analytical and theoretical purposes, I set this at a maximum of -20/+20 percent change in opinion on either side of the referendum debate with standard endorsement threshold of 50 percent plus 1. Only in this situation is the referendum likely to act as a moderator and affect the level of support for secession to the extent of determining the secessionist outcome.

To be able to persuade a majority of voters to endorse or reject independence, I will demonstrate how both sides of the campaign mobilise support through a specific framing of the context highlighting the cost/benefits perception of independence or the status-quo. Framing theory, as an analytical and theoretical tool, is used to bring forward the campaigns framing strategies. Finally, the fifth recurring element throughout the thesis is the potential precedent-setting effect of independence referendums. That is internally within the existing host-state, and externally to other secessionist movements.

Thesis Structure

The thesis is composed of three parts made of eight chapters. Chapter I, II and III are primary conceptual chapters. The first chapter discusses the core concepts employed throughout the thesis such as legitimacy, nationalism, democracy, self-determination, and state-creation. It also provides a review of the existing literature on sovereignty and independence referendums and argues for the important distinction to be made between agreed and unilateral referendums. The second chapter brings the independent literatures on secessionism and referendum together to consider when and how an independence referendum can affect the likelihood of secession occurring. I formulate hypotheses to be tested quantitatively (c.f. Appendix D) and review key aspects to focus on when analysing independence referendums derived from existing studies to guide my own analysis of the case-studies.

Chapter III presents the thesis research design and methodology employed to answer the research questions. A quantitative and qualitative mixed-methods approach is used to consider when and how independence referendums affect the likelihood of secession. The first step consists of a quantitative overview of secessionist movements using a dataset compiled for the purpose of this study. Chapter III presents the dataset and operationalisation of key variables. The qualitative analysis is composed of two in-depth qualitative case-studies of Quebec and Montenegro's independence referendums. I present the process-tracing and Discourse Analysis employed to study further the role of these referendums on the secessionist movements in Quebec and Montenegro, and the materials examined.

Chapter IV tests the hypotheses formulated in chapter II. Using a sample of 225 secessionist movements since 1905, I consider which secessionist movements have held an independence referendum, and their outcome accounting for key societal, political and economic variables identified in previous literature to affect support for secession and the capacity to secede. In light of the quantitative findings and review of the population of interest, I selected Quebec and Montenegro as two case studies to explore further.

Chapter V, VI and VII focus on the qualitative, comparative analysis of Quebec and Montenegro's respective independence referendums. The first part considers the contextual similarities and differences of the two cases studies and why and how the plebiscites were called and agreed upon by the secessionist actors and the host-state governments. The second section focuses on the referendum designs, which side of the referendum option had the most control over it and could shape the process to its advantage. Finally, the last chapter considers the referendum campaigns and outcomes. It explores the levels of support for secession among the electorate and which side was most successful in mobilising voters and their campaign strategies. The referendum result and satisfaction with the process by the population, 'Yes' and 'No' side, host-state governments, and the international community response are assessed before discussing the long-term implications of the two plebiscites.

The conclusion brings together the findings of the quantitative and qualitative analyses and to what extent the findings drawn from Quebec and Montenegro can be generalised. I also engage with remaining limitations and avenues for future research. Keeping in mind the words of Wambaugh: "Democracy cannot [...] be served by faulty plebiscite. If we are to keep the tool we must learn how to use it" (1933, 506), I hope this thesis to be a primary step towards achieving this by first getting a better understanding of independence referendums and their consequences, certainly not the last word; especially if they are to become the new means of state-creation par excellence.

CHAPTER I

Sovereignty and the People

Introduction

The advance of democracy since the 19th century and the waves of democratization following the second world war have led to the dominant view among scholars and politicians that a democratic state is the optimum form of government for individuals and the international system.³ In simple terms, democracy is generally understood to mean a form of rule by the people, or the expression of the “will of the people”. When we break down this simple definition and concepts within it, it soon becomes evident that a word we use so often remains very difficult to grasp, not least because of the presupposed actors of democracy: the people.

Who constitute the people and where shall their “rule” be exercised has found an answer in the concept of the nation-state. The doctrines of democracy and the nation-state have developed in parallel since the end of the 18th century and are often conflated in their every-day usage. The nation is a body of people who share common cultural characteristics and inhabit a defined territorial unit, typically the state. In a modern democratic sovereign state, the people, as a ‘national community of fate’, embodies the sovereign and they rightly govern themselves and determine their own future (Held 2013, 142). They hold the supreme power or authority of the territory and the laws that govern the state. In practice, democracy is applied through the representation of the people by political parties and politicians who then hold such authority on behalf of the people.

Behind these very basic definitions lies a complex reality. States, their “people” or nation(s), democracy and sovereignty are all contested concepts with a variety of empirical manifestations. This chapter will review these concepts and how they form the stepping stone to understanding the nature and function of independence referendums. Furthermore, in order to gain a holistic understanding of independence referendums, literatures often considered in isolation need to be brought together to consider all the

³ Despite its prevalence in international relations and treaties, it has not yet been made a matter of international law (Rich 2001). The concept of self-determination can also be traced back to the French revolution (Cassese 1995, 11).

levels and systems within which such referendums operate. They range from the international system of state-recognition and its competing laws and norms, the state-domestic system composed of a national government and its constituent territorial units, the national and regional-party system and the different groups and cleavages in society, to an individual casting a ballot on which political entity should ultimately embody his or her sovereignty.

The first section of this chapter reviews the core concepts surrounding independence referendums by bringing together different literatures surrounding democracy, legality, nationalism and secession. The second part considers independence referendums' subject matter: self-determination and statehood, including the normative debate on the right of secession and the practice of state-creation since the 20th century. The last section reviews the state of the art in the academic study of sovereignty referendums and its sub-category of interest: "independence referendums". While an extensive mapping of the practice of sovereignty and independence referendums has been conducted (Sussman 2006; Laponce 2010; Qvortrup 2012a; Mendez and Germann 2016), I argue that there is a lack of comparative studies to understand how independence referendums come about and their consequences in the broader secessionist dynamics that bring them forward. In light of this literature review and the gaps identified, this chapter concludes by offering a classification of independence referendums - "agreed" vs. "unilateral" - to identify when and how the "will of the people" is the determinant factor in state-creation.

I.1. Sovereignty, People, and State

I.1.a. Merging sovereignties

Referendums asking citizens how and by whom they should be governed are far from a rare event. Scholars have identified over 200 referendums on sovereignty (e.g. Qvortrup 2012a; Laponce 2004; He 2002). They often take place during or following important changes in the international system, such as the Second World War or the collapse of the Soviet Union. Most authors date the first use of a referendum on sovereignty in Avignon in 1791.⁴ While the early examples of sovereignty referendums were not conducted within today's democratic procedural standards, they introduced the idea that popular consent is

⁴ Some scholars have recorded earlier popular consultations, such as in 1420 in the Duchy of Savoy and whether it should be annexed by Geneva (Gonssollin 1921, 31), or about a century later in Metz and Verdin and whether they should remain part of France in 1552 (Rourke, Hiskes, and Zirakzadeh 1992).

needed, or at least desirable, in settling disputes over borders and sovereign jurisdictions. Prior to the French and American Revolution titles of land changed almost exclusively through conquest or new alliances (Sussman 2006, 3).

In order to understand independence referendums, we need first to understand their broader definition as sovereignty referendums. The concept of sovereignty in political and legal terms has undergone considerable alterations since 1648. In the first instance, sovereignty is a state-property at the international level. Second, it is a property of the people in a democratic system of government: it is about power within a polity and how it is acquired and manifested through politics. Although they are two distinct understandings of sovereignty, we will see in this thesis that they are closely intertwined in independence referendums and employed to be substantially in continuations of each other to support the secessionist cause (and how it can also, paradoxically, undermine it).

The first understanding of the sovereignty of interest here is the traditional “Westphalian” principle of the nation-state’s monopoly on power over its territory and citizens commonly found in the field of international relations. From a realist perspective, it also means that the state has full discretion over how it uses its power and enjoys the right of non-interference from external actors. Equality among all sovereign states is also assumed (Jackson 2003, 782). Sovereignty is a horizontally distributed characteristic in the international arena where only states hold this property. This first definition of sovereignty is important in understanding its continued appeal. Indeed, it holds the belief that there is no higher authority or power than the one of the nation-state.

This traditional Hobbesian association of sovereignty and state, or ‘conventional sovereignty’ (Krasner 2005), has been increasingly contested in both definition and practice. Firstly, with the emergence of the nation-state in the nineteenth century, sovereignty no longer is a property solely reserved to the state, but instead rests on its inhabitants and their consent, or ‘popular sovereignty’ (Held 2013, 222). The perceived relationship between the authority of the state, its territory and its inhabitants changed.

While it was previously embodied in the monarch, who symbolised alone the entity entitled to make laws and enforce them, it was transferred to the body of people who inhabit the state forming one “nation”. Sovereignty operates vertically, whereby the sovereignty of the state arises from the people, more precisely the citizens eligible to vote (electorate) and it is they who embody the existence of a state.

Secondly, globalization has also eroded the principle of non-interference as the power and control over key aspects of a state’s traditional jurisdiction can no longer be confined, or kept in or out, of its borders. As states’ economies have become gradually interlinked,

requiring transnational decision-making, the ability of national governments to decide and exercise ultimate authority within their borders has become increasingly difficult (Held 1991). Yet, state-sovereignty still remains an important principle in both empirical and legal terms and we cannot say that it has been fully transferred to supranational bodies or in favour of an international rights regime (Bellamy in Walker 2003, 180). As Keating pointed out: ‘sovereignty is said to be ebbing away, but new sovereignty claims are being made all the time’(2003, 204).

The exercise of sovereignty is however not directly executed by the citizens of a state, personifying the “nation”, who instead elect representatives to make decisions on their behalf. It assumes a homogenous cultural or ethnic group that acts as a single entity; or more accurately in the case of representative democracy, a plurality or majority exercises their “will” through elected representatives. Accordingly, the people, as a nation, and the state become one and the ultimate holders of sovereignty. This means the citizens hold the supreme power or authority over the territory, its laws and are therefore self-governing. A plebiscite on sovereignty is essentially about the allocation of power and what institution possesses the highest form of authority over specific policy areas in a given territory on behalf of a people or citizen body.

I.1.b. Democracy, legitimacy and legality

This modern and political understanding of sovereignty rests on the principle of democracy. The “sovereignty of the people”, or popular sovereignty, is at the core of the modern nation-state based on the democratic legitimisation of the state as opposed to a given, and absolute, right of states as an abstract entity. The authority of the state’s government is created and sustained by the consent of the people who elect it. Citizens, or the demos, therefore represent the source of all political power. In this conceptualisation, sovereignty and authority become almost synonymous with legitimacy (Jackson 2003, 791; Rogers 2004).

One of the core assumptions of this thesis is that the primary role of an independence referendum is to legitimise secession. Legitimacy is essential for political actors to claim sovereignty over and on behalf of a people and territory (Şen 2015, 23). Legitimacy ensures authority (power and dominance) over the territorial unit and its subjects, essential to the existence of a stable sovereign state. Such authority does not need to depend on force, especially in today’s democratic systems. It rests on willingness and belief that the legitimate holder of authority shall be obeyed and the laws that emanate from them – would they be specific institutions or governments – should be obeyed and are binding (Weber 1978, 263; Schaar 1981). Legitimacy is not meant here to necessarily have a

positive connotation when used analytically. Rather, it is a social construct that frames actors' actions and possibilities, which can itself become a tool and define what is appropriate and ought to be respected.

Even something "legal" needs to have some form of legitimacy to function. Constitutions and laws do not operate in a vacuum. They need to be seen as reasonable and legitimate themselves as a medium to reliably 'establish morally obligated relationships of mutual respect even among strangers' (Habermas 1997, 460; Loughlin 2010). This legitimacy function of law- and over law- is particularly important in secessionism since the state and its sovereign authority at the source of law is contested. Habermas conceived legality as something closely related to legitimacy and democracy: 'the modern legal order can draw its legitimacy only from the idea of self-determination: citizens should always be able to understand themselves also as authors of the law to which they are subject as addressees' (1997, 408). This brings us back full circle to the source of state-sovereignty: the people.

In situations where functions traditionally reserved to the central government are transferred to other institutions (subnational or supranational), referendums have been increasingly perceived as being 'politically obligatory' (Germann and Mendez 2014, 21; See also Morel 2007; Hobolt 2009; Finke and König 2009; Dür and Mateo 2011). In such cases, the transfer of legislative powers is seen to require more than the legitimacy granted to political actors to make political decisions through elections and requires the direct expression of the electorate to legitimise the proposed change. Accordingly, sovereignty referendums exercise a double function: the first is a "subjectively binding force" over the relevant people, justifying their obedience to the new political authority through the expression of the majority's consent. I will elaborate on this in chapter II when considering the legitimacy of the referendum process and its binding nature. The second is a "publicly symbolic declaratory force", which 'serves as an evidence of legitimacy to the international community' (Şen 2015, 32; see also Beetham 1991, 18–19). In international relations, a high degree of consent in a plebiscite for a new state signals authority and the ability to exercise internal sovereignty (Murphy 1999, 547; Jiménez 2013, 219).

I do not wish to state that legality is irrelevant – rather, it is not sufficient without legitimacy, and conversely, strong legitimacy can overcome the absence of legality or generate it. For instance, in Scotland, the belief that the country and its people had a right to secede lead to the implementation of a legal framework to do so through a referendum. In Quebec, as we will see, the belief that the Quebec people had a democratic right to express their self-determination politically - or rather, the perceived illegitimacy of

denying it - lead to a consensual referendum when a legal take on the situation was absent. I will test this argument of downgrading the importance of legality throughout the thesis, both quantitatively by considering referendums which took place when a right of secession was in place and qualitatively when analysing the referendums in Quebec and Montenegro. By putting the emphasis on legitimacy rather than legality, this thesis departs from the existing literature on sovereignty and independence referendums which have considered the phenomena from a legal (domestic and international) and normative perspective (e.g. Haljan 2014; Şen 2015).

I.1.c. Nationalism and secession

Renan (1882) defined the nation as a “daily plebiscite”; a collective assertion of solidarity and the belief in a shared common past and future. Independence referendums put into practice the idea that common territorially concentrated collective entities, as distinct ‘nations’ or ‘peoples’ exist, and that they have a right to statehood. It is a mechanism to assert the sovereignty of a people and, through their consent, legitimise the creation of a state on their behalf. Yet, what is a “nation” and its constituent people and who gets to define them remains to be answered (Jennings 1956, 55–56, Fish 2015, p37-38, Beckman, 2017).

The ideal of the “nation-state” assumes that a “people” or “nation” really exists. When a political actor talks about the “people” or “nation” they often infer to the same coherent unit and specific members of a group inhabiting a territory and polity. But identity perception and sense of belonging might not be common to all inhabitants within the territorial borders of a state. We, therefore, hear of “nations without states”, “ethnic minorities”, “indigenous people”, groups which may be integral citizens of the state by law but are in some way or other distinguished from the majority based on their identities. Such groups are often at the centre of secessionist calls, challenging the sovereignty of the state based on the people from *within*.

Secession is defined here as the process through which a sub-national territorial entity may become a new independent state (successfully secede) from an existing host-state.⁵ Theories of nationalism can shed light on the origins of calls for secession from an existing host-state. They can serve as an explanatory tool or prism through which to consider the phenomenon of secession, and, in some cases as justification for secession. Primordialists argue that nations are formed out of pre-existing distinct groups (Connor 2004), although no modern scholar believes they are literally set in stone or have always been present

⁵ This definition follows Pavković and Radan’s (2007, 7–8).

(Hale 2008, 15). Since the current borders of states rarely match existing linguistic, religious or ethnic groups, there is the potential for more secessionist movements to emerge. The AMAR dataset, a recent extension of the MAR dataset, records 1202 distinct ethnic groups (Birbir et al. 2015), yet, not all of them have or will develop into a nationalist movement seeking their own independent state.

Contrary to primordialists who believe that existing racial or cultural characteristics determine the existence of a nation, constructivists, while retaining the importance of a distinct history or territory (circumstantialism), argue that nations are primarily a social construct (Anderson 1991). They emphasise how these historical elements (founding myths) are articulated into a sense of common cultural and territorial belonging by individuals (Smith 1998, 188). Furthermore, a nation is a group who collectively adheres to the belief that they are a common people based on certain traits or characteristics and the collective is perceived as inherently limited and sovereign (Anderson 1991, 6).

Nationalism is also conceived as a phenomenon closely associated with the state and political power. Its crucial border-generating function (Conversi 1995, 75) is of particular importance when considering state-seeking nationalist movements. Instrumentalists posit that nationalism is primarily driven by elites' interests in socio-economic development and state-building, and serves as a tool to secure economic gains and power. For instance, Gellner (1983, 33–35) sees nationalism as a means to build a modern industrialised society made of an educated and homogenous population which uses the same language. Education, symbols and general political rhetoric in turn help perpetuate a sense of collective national identity within a population (Billig 1995; Hearn 2007). Nationalism can also be used for political purposes to help mobilise a population and legitimises the state and its ramifications by enforcing societal cohesion and the rule of law (Breuilly 1993; Eriksen 1993). When the population is not homogenised competing nationalist movements may emerge within the same country.

Yet, a distinct identity held by a territorially concentrated group does not necessarily result in a secessionist movement, and when it does, it faces different levels of success in mobilising the local population (Sorens 2008, 325–26). Furthermore, individuals may hold multiple identities or form a heterogeneous group in other aspects (see for example Herb and Kaplan 1999; Henderson 2007). Theories of nationalism taken in isolation often fail to explain why the “people” as an audience would readily embrace nationalism and the proposed identity, but more importantly, why this identity requires self-determination through the creation of a nation-state.

To rally support, saying a Scottish, Western Saharan or Kosovan sovereign state is needed because they are “Scots”, “Western Saharans”; or “Kosovars” is not sufficient. The state needs to serve a purpose that is currently not met within the existing arrangement within the host-state in relation to this identity. Why do Scots, Kosovars or any other such collective need a state? The answer, I will argue in the next chapter, will largely depend on context, but they all have themes in common, namely: self-determination – or the ability to decide without “foreign” intervention their own political affairs; preserve and ensure the survival of the nation, and/or achieve different economic and social aspirations.

I.2. State-creation and the “Will of the People”

Nationhood and statehood are closely connected with nationalism serving as a political legitimising force requiring that ‘ethnic boundaries should not cut across political ones’ (Gellner 1983, 1). Hence, the nation-state has come to represent the “ultimate” form of self-determination. The right to self-determination, however, remains contested, from who is eligible to it and how it is to be applied. This section aims to place independence referendums within their subject-matter by first briefly reviewing the normative and legal right to self-determination. Secondly, the actual practice of state-creation is reviewed, notably the important step of international recognition, in order to consider the functions of independence referendums has tools of state-creation and legitimisation.

I.2.a. Self-determination and right to secession

Since the Second World War, the conceptualisation of state sovereignty based on its people has become a dominant discursive norm throughout the 20th and 21st century with the promotion of liberalism (McFaul 2004). Developing in parallel to a normative entitlement to democracy and human rights, the concept of self-determination has also had important implications for our current understanding of sovereignty and adds another layer to the relationship between sovereignty, state and people. It is also the aspect that relates most to independence referendums.

The legal-political ideal that stems from self-determination is summarised by Fisch as every human being holding the ‘right to live in the state, or more comprehensively in the politically organised community, of one’s own choice’ (2015, 8). Following World War II, self-determination came to be understood as the belief that each nation has a right to

constitute an independent state with its own government (Velasco 2014, 78). Self-determination, however, does not necessarily mean that every individual or collective ought to have or can decide on, their own state and secession is its expected offshoot.

Self-determination can be an individual and collective right and operationalised in two ways: ‘external self-determination’, applied according to Pomerance (1982, 1) as ‘the right of every people to choose the sovereignty under which they live’ (statehood) and ‘internal self-determination’, defined as ‘the right of every people to select its own form of government’ (within the existing state). The former is closely associated with Human Rights as embedded in the UN Declarations on the end of colonialism in 1960 and the Human Rights Covenants in 1966 which state that: ‘All people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development’ (quoted in Morphet 1989). Such right, however, is only to be pursued within the existing state and it does not challenge states’ territorial-integrity outside of the colonial context (Fisch 2015, 8).

It remains that the principle of self-determination serves as the battle cry for secessionist actors (Duffy and Saideman 2010, 42) and a competing principle of state sovereignty and territorial integrity. Invoking self-determination is an important element in their discourse for justifying secession and the needs for a new independent state, both internally to the “people” concerned and externally to the international community. By calling on this principle, secessionist actors contribute to ‘challenging international norms and borders’ (Schneckenner 2008, 467). In the study of independence referendum, it is principally this association of self-determination *qua* secession that will be examined. Independence referendums should in turn also be considered in the larger phenomenon of nationalism and state creation, but beforehand, I wish to briefly address the question of who has a right to self-determination.

Two broad philosophical and normative schools have tried to answer the question of who has a right to external self-determination, and therefore a right to secession. Starting from the individual perspective of self-determination some advance that any group of people can self-determine. Permissive and some liberal theories of secession advance that any territorially-concentrated group of individuals coming together, regardless of whether they share an ethnic or cultural identity, should be allowed to secede if they want to and can perform the basic responsibilities of an independent state (Beran 1984, 30–31; McGee 1991). This broad view of a right to secession emphasises the civic understanding of a state based on a willingness to be a demos or political community as sufficient. This approach, however, makes for a broad and almost infinite right to secession, and possibly

destabilising, especially since this right of political association does not address the right to a territory and how it is often the latter that is disputed (Brilmayer 1991; Lehning 1998).

The second perspective on self-determination as a collective right emphasises instead the *ethnos*: the nation composing the state over simply its citizenship. Primary right theories believe nations have a primary right to statehood (Miller 1995; for a critique see Horowitz 2003). The major difficulty, in this case, rests with identifying such groups, and whether and to what extent they may self-identify as such. This is often the middle-ground justification used by secessionist movements. Critics reject the idea of justifying secession on the presumption that nations are entitled to their own states mainly due to the instability and violence it may generate and resulting new minorities (Wellman 2005, 125–26).

Instead, they argue for the consolidation of the state and the democratic management of conflict (e.g. Chandhoke 2014, 58). The promotion of democracy and internal self-determination via federalism or power-sharing have been recommended to bring power closer to “the people” and give ‘groups control over their political, social and economic affairs’ (Brancati 2006, 625), without jeopardising the territorial integrity of the state (e.g. Lijphart 2004; Barten 2014).

Other have focused instead on conditions and procedures as primary determinants of a right to secede. Firstly, Remedial Right Only Theory stresses the role of the state as the protector of its citizens and their human rights (Buchanan 1991, 2003; for a critique see Seymour 2007). If internal self-determination is not applied, or worse, the state actually actively persecutes a territorially concentrated group, secession may then be justified. The difficulty rests with identifying what counts as oppression (Cassese 1995, 129). For instance, the Canadian Supreme Court found that Quebec could not call on this principle since Quebecers were not ‘denied meaningful access to pursue their political, economic, cultural and social development’ (Reference re Secession of Quebec 1998, 285). Yet as we will see in chapter VII, it still acknowledges a right of Quebecers to secede based on a liberal-democratic principle of secession similar to the one described above.

Secondly, some have emphasised the process through which secession is to occur. The plebiscitary right theories support a right of secession when a majority has demonstrated its wish via a referendum to ‘withdraw their consent’ from the existing state (Pavković 2000, 486; Moore 2001; Norman 2006). Other scholars have also been concerned with making the practice of secession, too often a violent affair,⁶ more regulated, and *democratic*. Beran’s (1984) democratic theory of secession supports referendums on

⁶ Wimmer et al. (2009) for instance identified 110 ethnic conflicts of which 60 had clear secessionist aims within the ethnic power relations dataset.

identity and boundary questions to deal with secession and emphasises the importance of consent and agreement in the process.

The divorce analogy remains a popular argumentative route among the supporters of a right to secession especially from a liberal point of view. The argument rests on freedom of choice and that ‘no one can be kept in a community against his will’ and ‘two sworn enemies cannot live, and cannot be made to live forever, in a house of bitterness and hatred’ (Weinstock 2001, 6).⁷ Even if one agrees with this proposition, it does not solve the problem of who gets to choose who can decide their statehood status.

I.2.b. State-creation

The existing literature on the right of secession regardless of the position defended is often disconnected from the actual practice of state-creation. I will now review the literature on how new states come to be and what principles or considerations dictate who has a right to statehood. It is a crucial element in the path to a successful secession, often overlooked in the secessionist literature which has instead largely focused on the incentives and capability of independentist actors to secede, which is covered in the following chapter. I will demonstrate that the discussion around self-determination and the practice of state-creation (and recognition) rarely considers *how* people are to self-determine. Not solely pursue their political, economic, and cultural right (democracy), but actually, decide on where and how to exercise this self-determination. An independence referendum, and I will argue specifically an “agreed” independence referendum, offers a rare opportunity for external self-determination to be exercised by the people in which name sovereignty is called upon.

Self-determination, in its external form, entails statehood. While it is by definition driven by an internal process made of a group of individuals seeking self-rule, it has consequences at the highest level: the international system. The international system refers to states, institutions and processes governing world politics. Its main actors are sovereign independent states and their governments. They form an international society or community which shapes norms and values which in turn constrains individual states’ behaviour, despite a lack of enforceability of international law and principles (Franck 1988; Wendt 1999).

Achieving external self-determination also means becoming a part of this international system as an independent sovereign state. The process of decolonisation is the only

⁷ For an extensive criticism of the divorce analogy see Aronovitch (2000).

example where the principle of self-determination was used to justify independence successfully (Coggins 2011, 442; Cattaruzza 2007). Since then, most scholars found limited evidence that the international community protects the principles of internal self-determination and minority rights in the practice of state recognition (e.g. Murphy 1999, 557; Vidmar 2013).

The traditional, realist, view on state creation in international relations advances internal or domestic factors to explain how a new state enters the international state system. If an entity *acts* and looks like a state, then other states will accept it as a peer within the Westphalian state system (Bull 1977, 8; Waltz 1979, 88–89; James 1999, 460). The Montevideo Convention of 1933 offered identifiers of hallmarks of statehood with at its heart, the concepts of effectiveness and capacity: the ability for the state government to conduct internal and external affairs, levy taxes and control the population and territory (Grant 1998, 416).

Territoriality was an essential component of decolonisation and remains an important factor of consideration in state-creation to this day. The *uti possidetis* principle of international law dictates that new sovereign states should be created out of existing territorially defined units such as republics (see for example Caplan 2005; Sassòli 2003; Radan 1999). The presence of a clearly defined sub-national territory within an existing host-state has been identified by Roeder (2007) among others as an essential explanatory factor in successful secessions; albeit this argument rests on the ability of local elites to mobilise the local population in favour of separation rather than facilitating entrance into the international system.

On the other hand, the ability to exercise domestic authority and internal sovereignty is no longer enough. For example, Somaliland meets these international legal standards for “statehood” but lack the formal recognition needed to be internationally recognised as a sovereign entity (Eggers 2007, 222). While this ‘declaratory theory of recognition’ (Murphy 1999, 548) might have been true in 1816 when 48 states populated the international system, by 1997, 212 new states entered the system on different grounds (Small and Singer 1997). Such grounds, however, are unclear and unsystematic: Lowe et al. refer to the emergence of new states following decolonisation as a ‘discretionary’ practice (1992, 478). Furthermore, gaining statehood relies primarily on an essential step of *recognition*.

Constructivist and sociological approaches to state-creation emphasise the social character of the system made of norms and identities and, above all, peer-recognition (Coggins 2014, 25–26; see also Philpott 2001). To gain full statehood, the international

society recognition is fundamental. In international law, the term “recognition” implies the formal acknowledgement that a state -and its government- exists and that such existence will be respected (Peterson 1982, 325). For an independent sovereign state to be recognised as such (gain external sovereignty) it needs to reach a certain threshold of recognition, or “critical mass”. Great Powers, notably the US, Russia, France and Great Britain, are generally the most important in setting the tone on whether a territorial entity will be recognised as independent. If all Great Powers recognise the new entity as a peer through an official diplomatic declaration other states typically follow suit and statehood is uncontested (Coggins 2014, 37–38).

A problem arises when a great power and, crucially, the former host-state withstand recognition. The entity then risks being left in a grey zone between *de-facto* and *de-jure* statehood. Even if a sub-state entity has the capability to fight the host-state authority and fully govern itself without any interference, therefore acting as a state (*de-facto* statehood), it is not yet a fully sovereign independent state as it lacks international recognition (*de-jure* statehood) (Florea 2014). I refer to such cases as instances of “partition” rather than “secession” in this thesis.

For instance, in February 1972 following the surrender of the Pakistani army in East Bengal, twenty-eight states recognised Bangladesh *de-jure*, while five also had extended *de-facto* recognition, setting the path for Bangladesh’s full independence. However, the US and China still supported Pakistan’s territorial claim to the region, and vetoed Bangladesh’s membership to the United Nations in 1972 and only recognising its independence in 1975, after Pakistan – the former host-state – granted recognition in February 1974 (Pavković and Radan 2007, 108). India’s recognition in 1971 as a major regional power, its military intervention and extensive international lobbying for other states to also acknowledge Bangladesh’s independence were crucial to its success, along with the complex geopolitical situation at the time, notably the distance separating the region from the host-state and Cold War rivalries (Crawford 2006, 143; Pavković and Radan 2007).

No particular region or group enjoys a right to self-determination and gains international recognition on such grounds. Instead, secessionist movements need to rely on powerful allies in the international community to secure recognition of independence (Coggins 2011). Rich (1993, 63) finds that the recognition is now less predictable and ‘a matter of political discretion’. The decision to recognise a seceding territorial unit and its inhabitants as independent is often based on the state’s own interests, especially if they

face secessionist movements themselves as they fear setting precedents (Coggins 2014, 38).

Crawford's appraisal of unsuccessful attempts of sub-territorial entities to secede unilaterally since the creation of the 1945 UN Charter argues that 'where the government of the state in question has maintained its opposition to the secession, such attempts have gained virtually no international support or recognition, [...] even when other humanitarian aspects of the situation have triggered widespread concern and action' (2006, 403). This is the case for Tibet in China, Abkhazia in Georgia or Kashmir in India for example. Similarly, Vidmar (2012, 363) concluded that the current practice of recognition and international law makes it very unlikely that a new state will be recognised by the international community without the consent of the host-state. Without the agreement of the existing state authority, a declaration of independence, because of its unilateral nature, (UDI) is unlikely to succeed.

From this review of the practice of state-creation, three conclusions can be drawn in regard to independence referendums. Firstly, external self-determination is not currently a primary consideration in state-recognition. Accordingly, there is no reason to expect that an independence referendum in itself could determine statehood based on this principle. Secondly, the consent of the host-state is to date the strongest determinant of a successful secession. For the people's will to determine statehood, the first thing to secure is the consent of the host-state that it will respect the wishes of the people, even if it means separation.

Thirdly, the existing literature does not consider the role of independence referendums in the process of state-creation, despite the fact that some of the latest additions to the international system had an independence referendum such as Montenegro in 2006 or South Sudan in 2011. One partial exception is Radan's qualitative review of possible legal elements, in internal law and within states, that may require referendums before territorial changes occur.⁸ He finds it to be rarely the case but stresses its increasing political necessity (2012, 18). This thesis also asserts the increasingly political need for such consultations. The next chapter will consider independence referendums as an intervening variable in secessionist dynamics and state-creation by formulating testable hypotheses.

⁸ Suksi's review of 160 national constitutions found only 15 cases having a clear provision for referendums at the regional or local level, and none have a mandatory referendum granting the right to people to decide on statehood (1993, 137, 145). Montenegro's constitution is an exception not raised by Suksi, (c.f. chapter VI).

This review also shows the need to account for how the independence referendum stands in regard to the authority of the existing state and when the plebiscite can guarantee that the “voice of the people” will be a determinant factor in whether a new independent state is created, and therefore the referendum itself can affect the likelihood of successfully seceding. I will now elaborate on this distinction by reviewing the existing literature on independence referendums.

I.3. Referendums: Applying Sovereignty?

A sovereignty referendum addresses the question of how sovereignty is applied and through which institutional body the citizens are represented and exercises the supreme authority over specific areas of government. Accordingly, the traditional use of referendums as enabling direct ‘popular sovereignty’ and the demos deciding on a specific issue, is expanded and applied to the very question of where and how this sovereignty is defined (Tierney 2009). They enable the direct involvement of the demos in determining the state and nature of its sovereignty; the right to make authoritative political decisions within a territorial unit, and where it should be located.⁹

Germann and Mendez (2014; 2016), who offer the most extensive review of the literature to date, emphasise the shifting of power and sovereignty rights between at least two territorial centres as a crucial principle of sovereignty referendums and independence referendums especially. Moreover, sovereignty referendums can be considered constitutional referendums¹⁰ as they alter the way power is distributed among different institutions and such changes can imply a change in the constitution (Auer 1996).

The term referendum, sometimes quoted as ‘referenda’, refers throughout the thesis as the practice of direct popular vote on, usually, a single political question.¹¹ As the concept of sovereignty and the emergence of self-determination converged with new democratic and liberal norms, so did the use of referendums increase (Butler and Ranney 1994).

⁹ All scholars adopting this definition exclude relatively minor shifts related to autonomy of municipalities or second level administrative units except Laponce (2010; 2004) who considers referendums in Swiss Cantons.

¹⁰ That is when the term is used as being about the subject of the referendum as opposed to ‘constitutional referendums’ sometimes referring to referendums that have to be held to comply with the constitutional procedure of a country to enable certain changes (as identified by Kobach 1993, 42).

¹¹ Sometimes citizens are asked to answer multiple questions by Yes or No, such as in the devolution referendum in 1997 in Scotland where one could say whether they agreed with the creation of a Scottish parliament, and secondly, whether the latter should have tax-varying powers.

Furthermore, the shift between the state-centred sovereignty to people-centred sovereignty can be witnessed in the changing purposes of sovereignty referendums as well. While the first referendums, notably in France and Italy, were an instrument of state-led nationalism to gain legitimacy following conquests through the means of a plebiscite, referendums held following WWII are now principally about people voting for a nation-state. A ‘tool of state-led nationalism’ became a ‘tool of state-seeking nationalism’ (Sussman 2006, 6).

Whether a referendum is an appropriate tool for democracy at large is not a primary concern in this thesis.¹² Nor do I wish to question whether independence referendums are an appropriate tool to answer secessionist conflicts. Instead, I wish to gain a better understanding of the role they play in secessionist dynamics and how they may affect the likelihood of secession occurring by focusing on their empirical manifestations and consequences. While the literature on sovereignty and independence referendums to date has provided an extensive review of the phenomenon across time and developed typologies according to their functions, I demonstrate below some of the remaining gaps in the study of independence referendums and how this thesis offers to address them.

I.3.a. Sovereignty and independence referendums

Scholars have identified over 200 referendums on sovereignty asking people how they should be governed (c.f. Table I.1). They include a devolution of power from the nation-state to handing over powers to supranational institutions such as the European Union or NATO (see also Laponce 2001; Qvortrup 2012; LeDuc 2003; Mendez, Mendez, and Triga 2014). Among them, the number of independence referendums of interest varies considerably according to the definition employed by researchers.

Classifying the different forms of sovereignty referendums that exist can be built on the subject matter based on the wording of the referendum question, the type of actors initiating the referendum (Suksi 1993), what particular aspects of sovereignty are being shifted, and which political entities is sovereignty shifting from and to (Rourke, Hiskes, and Zirakzadeh 1992; Germann and Mendez 2014). Alternatively, scholars focused on their consequences such as the redrawing of borders (Laponce 2010) and the creation of a more heterogeneous or homogenous region or states (Qvortrup 2012a). Table I.1 offers

¹² For a review of this debate see among others Setälä (2006; with Schiller 2009), Mendelsohn and Cutler (2000) and Chambers (2001).

an overview of the typologies developed to date and how many referendums on independence have been identified.

Within the existing literature, what I have defined below as independence referendums appear under different labels (Table I.1) and include different cases from one study to the next, which may not always be appropriate. He (2002) also includes in his empirical reviews of independence referendums the Belfast Agreement of 1998 which did not involve the creation of a new independent state. Sussman's typology includes 'Independence Referendums' which 'celebrate the independence of nation states' and 'Secession/Downsizing Referendums' which facilitate secession of territories (2006, 8–9). The first category encompasses cases where the referendum was used as a celebration of “newfound independence” after successfully seceding but the causality is not clear here as it includes cases such as Norway in 1905 and Algeria in 1961 where the referendums were held as part of the process to gain independence (see chapter II and IV).

Qvortrup's definition of 'ethnonational referendum' includes events such as the vote on the Belgian King in 1950 that did not aim to alter the state's boundaries or touch directly on identity. Furthermore, Qvortrup attributes the presence of referendums on ethnic or national issues – including independence referendum, to 'an inverse relationship between political competition and support for the proposed policy among the constituents' (Qvortrup 2014a, 6). In other words, the holding of a referendum depends on the competition faced by those calling a referendum and the median voter preference.

'The competition proximity model' he finds 'explains secessionist referendums' (Qvortrup 2014a, 156). The way “opposition” is operationalised however is not clear. It sometimes seems to include 'military' threat (Qvortrup 2014a, 43), other times a simple political opposition (e.g. Conservative vs. Labour in the UK). This fails to explain the *incentives* of the SNP to call a referendum when it did, as polls showed it was far from having a majority. Furthermore, it omits the *capacity* to call and hold a referendum in the first place. Qvortrup argues that referendums on secession will tend to occur following the lifting of a long-standing imperial hegemony 'only if there is a broad based elite commitment to polyarchic government in the country in question' (2014a, 12); a statement repeated in the conclusion which is not developed or demonstrated in the book.

Finally, Mendez and Germann (2016) also count as independence referendums consultations on whether to adopt a new constitution stating the independence or sovereignty of the state, regardless of whether or not independence had already been granted (c.f. chapter III). I argue that independence referendums should be identified

primarily on their consequences: is the potential outcome of the referendum either the creation of a new independent state or the status-quo?¹³

Since sovereignty referendums are ‘a direct popular vote on a reallocation of sovereign rights between at least two territorial centres’ (Mendez and Germann 2016, 5), in the case of an independence referendum these sovereign rights are no less than what a fully independent state would enjoy. That is, the new state holds the Westphalian principle of nation-states as independent actors within the international system and has supreme political authority over its territory (Crawford 2006, 32). Although it is understood that such criteria are ideal principles and not absolute in practice. Sovereign nation states have increasingly delegated some of their decision-making powers to supranational institutions such as the European Union. Nonetheless, within existing regional and international institutions they retain ultimate sovereignty, especially as such institutions tend to suffer from a lack of legitimacy (Barrow 2005; Cohen 2012; Trimble 1997).

The essential question is whether the sovereignty generated by the people consulted should be transferred to a newly created national-state and withdrawn from the existing one. Accordingly, the locus of identities, political expectations and loyalties in the seceding region is to be fully detached from the current territorial centre to create a new state. Independence referendums are therefore defined here as a process through which the electorate within a sub-national territorial unit (region) gets to decide on whether it should form a new sovereign independent state. Even if the question wording does not explicitly use the term “independence” or “state”, one of the possible intended consequences of the plebiscite should be secession. The methods chapter (III) discusses in more depth the case-selection process that sees the 43 to 90 independence referendums identified by previous scholars since the mid-19th century reduced to 43 plebiscites within a sample of 225 secessionist movements from 1905 to 2014.

By adopting a strict definition of independence I ensure construct validity: do I have under study referendums that are indeed primarily about state-creation? As for reliability, given this very narrow definition, can I trust that another scholar would come to the same conclusion in my classification and are the cases selected internally consistent in their intended outcome that is the creation of a new independent sovereign state? Only by making sure we are indeed clearly dealing with an independence referendum, originating

¹³ The question may offer the possibility of a middle ground in either of those two options. For example, within the “status-quo” - that is remaining within the existing host-state - more devolved powers could be on the table for the region at risk of seceding. Conversely, a form of association between now two independent sovereign states could be offered. It remains that the effect of the referendum results in either the maintenance of the existing host-state territorial integrity, or the creation of a new independent sovereign state.

from a secessionist intent, can we understand the role it plays in the broader secessionist dynamics that brought it forward, whether it increases or decreases the likelihood of secession, and how.

I.3.b. The need for a new typology of independence referendums

The extensive literature on referendums, covered in more depth in the next chapter, can also give an insight into the possible roles and functions of consultations on the question of independence such as their legitimising functions (e.g. Walker 2003; Morel 2007) or why they are held (e.g. Cronin 1989; Dür and Mateo 2011). It includes many comparative works to classify and analyse this tool of direct democracy. Studies have focused on specific types of referendums according to their subject-matter, notably plebiscites on the EU (e.g. Svensson 2002; Hobolt and Brouard 2010; Hobolt 2009; Garry 2013), or case-specific studies, with Switzerland the most studied case (e.g. Boyer 1992; Kobach 1993; Benz and Stutzer 2004; Rocher 2014). Single and small-N case-studies have also contributed to our understanding of certain plebiscite on questions of independence as well. The bulk of this empirical literature has focused on Quebec and Scotland (e.g. Clarke and Kornberg 2004; Laponce 2009; Adam 2014; Keating 2017a). A couple of studies have considered other instances of independence referendums, starting with Amiel (1976) and Dobelle (1996), for example, looking at the referendums held in French colonies; Baldacchino and Hepburn (2012) considering why inhabitants of small islands reject independence when asked in referendums; and Huszka's (2013) study of the Republics of Yugoslavia's independence referendums campaigns. Most studies looking at independence referendums outside of western democracies have focused on the role of international actors in the process rather than the referendum process per-se or its consequences (e.g. Friis 2007; Mayo 2010; Vidmar 2011, 2014). These studies, some of which I will return to later, remain ad-hoc and do not have their main purpose to understand the role of independence referendums and how they may affect the likelihood of secession.

Table I.1: Sovereignty Referendums

Authors	Sussman 2006	Germann and Mendez 2014	Laponce 2010	He 2002	Qvortrup 2012/2014
Sovereignty Referendums categorisation	6 categories: <ul style="list-style-type: none"> • Celebrate independence • Settle border disputes • Determine the status of territories • Transfer of sovereignty • Secession of territory • Incorporate territory 	6 categories: <ul style="list-style-type: none"> • Incorporation • Unification • Accession • Autonomy • Independence • Withdrawal 	5 categories: <ul style="list-style-type: none"> • Transfer • Union • Separation • Restricted sovereignty • Status-quo 	4 categories: <ul style="list-style-type: none"> • Union of nation-state • Independence • European Union • Decentralisation 	4 cross-cutting categories <ul style="list-style-type: none"> • Homogenizing • Heterogenizing • International • National
Sovereignty referendums (N=)	240	596	190	173 “boundary-related referenda”	218 “ethno-national referendums”
Independence referendums¹⁴ (N=)	43	45 (up to 97 in 2016 article)	-	-	56
Time-period	1791 -1998	1776 - 2012	1791-?	1791-1998	1791-2011

¹⁴ Author’s subcategory that most closely matches definition used here.

Over the last decade, there has been a growth in comparative scholarly considerations for sovereignty and independence referendums from a legal and normative perspective. Academics have considered whether they apply the democratic principle of the will of the people and how they fit within the existing constitutional order (Mancini 2008; Tierney 2012; Oklopcic 2012; Haljan 2014; Şen 2015) and discussed their desirability (Heraclides 1997; Buchanan 2003). Some scholars have also considered whether sovereignty referendums are conducive to peace and find it an optimistic path (Laponce 2004; Laponce 2010; He 2002; Qvortrup 2012; Loizides 2014), while others remain skeptical, especially in post-conflict and divided societies (Wheatley 2012; Lee and MacGinty 2012).

These studies often focus on a set of cases and their outcome following a referendum with limited consideration for the causal mechanisms at play, despite all pointing out that the way the referendum is conducted is important. For instance, Wheatley (2012, 64) initially states that he specifically considers referendums on independence and makes the crucial distinction between what he labels ‘Referendum-as-a-solution’, agreed to by all sides as part of a conflict resolution, and ‘referendum-as-a-weapon’ used in undemocratic contexts.

However, his empirical evidence is not derived from independence referendums strictly speaking and includes ‘referendums on fundamental, constitutional issues’ which he finds fail to accommodate minorities. Accordingly, his operationalisation is not sharp enough to really understand the use and outcomes of independence referendums per-se; a shortcoming found in other works (see below). Nevertheless, Wheatley points to an important distinction to be made between the types of referendums dealt with, notably whether the referendum was a consensual process. Lee and MacGinty (2012) also believe that only in rare cases referendums in post-conflict societies have been able to bring peace as most cases suffer from the exclusion of key actors (see also Qvortrup 2014a, 147).

Other scholars have also noticed that peaceful secession tend to happen ‘constitutionally’ (Young 1994). That is when the host-state acknowledges the right of secession. Indeed, if the legality of secession is not disputed and secessionist actors have the consent of the central government secession will be peaceful and international recognition will easily follow (Pavković and Radan 2007, 65–66). More recently, Sorens’ (2012, 7) study of secessionism included a review of ‘quasi-legal secession’ defined as a (national or central) government that has explicitly ruled out military suppression of a democratic secession and found that the latter suffers far fewer instances of ethnic rebellion than a

state which declared their eternal indivisibility. When studying independence referendums, we should, therefore, pay attention to the type of referendum held, and notably whether it is a consensual process, and whether its outcome is respected.

The “unilateral” nature of some referendums has been previously highlighted by legal scholars such as Gawenda (1946) who differentiates plebiscites according to whether they are held in accordance with domestic constitutional and international principles. Şen’s work on sovereignty referendums and international law expands on this with “de-facto unilateral referendums” held by secessionist groups. They contrast with de-jure independence referendums in the colonial context where the legality of the process is granted by the international community, and outside the colonial context where an international agreement exists or the constitution of the state allows it (Şen 2015, 42–44, 66). Nonetheless, this definition omits the crucial role of the host-state government highlighted above. The national government is the ultimate “authority” over the territory. Accordingly, it is the only actor which can make the secessionist outcome possible following a referendum beyond the question of whether secession itself is legal. It is hard to say whether Croatia’s 1991 or Scotland’s 2014 independence referendums would qualify as de-jure following Şen’s definition.

Croatia had a constitutional legal right to secede (c.f. chapter IV), while Scotland’s legal right to hold a referendum was formalised in the Edinburgh Agreement once the UK government had already consented that the choice to leave or remain within the existing union was down to the people of Scotland (*BBC News* 2011; HM Government and The Scottish Government 2012). Quebec held two independence referendums 1980 and 1995 (covered in chapter V, VI and VII), and both times the federal government tried to persuade Quebecers to reject separation, warning them that, contrary to what the Quebec separatists were saying, they would lose all links with the federation and become an independent state resembling Cuba or Haiti (Laforest 1995, 30–31; Clarke and Kornberg 1996). The legality of secession was only affirmed and constrained to certain conditions in the Clarity Act of 2000.

The secessionist and conflict-management literature’s coverage of sovereignty and independence referendums, in addition to being very sporadic, poses two problems: first, its analysis is limited to a Yes/No possible outcome of peace or conflict and overlooks the fact that an independence referendum could have simultaneously positive and negative effects on the divided society and the likelihood of a new state being created. This problem, which I partially investigate in chapter IV, has very recently been addressed by Germann’s (2017) PhD dissertation which tested quantitatively whether “self-

determination” referendums can help resolve conflict using the SDM-Eurasia dataset (Sambanis, Germann, and Schadel 2016).

His cases comprise the independence referendums included in this thesis but also other “sovereignty” referendums such as the Belfast Agreement of 1998, Charlottetown Accord of 1992 in Canada, or the Bolivian referendum on the departmental autonomy of 2006. At the core of its argument a very similar typology of agreed vs. unilateral referendum is advanced in this thesis (see below).¹⁵ This work addresses the concerns raised above on the causal mechanisms between plebiscites and separatist conflicts, but it does not consider the effect of independence referendums on secessionist dynamics beyond the reduction or increase of armed-conflict.

Secondly, there is to date no comparative study of the referendums’ effect on the likelihood of secession and which mechanisms inherited in the referendum procedure have a determining effect. The scholars reviewed above consider the Eritrean and Nagorno-Karabakh independence referendum on an equal footing. But how comparable are the latest examples of the Scottish and Crimean independence referendums? While all are about breaking away from the existing host-state their contextual settings are very different. Their referendums’ processes and their implication in regards to their legality, legitimacy, and democratic credentials vary considerably.

To answer such shortcomings and for comparative and analytical purposes, I propose a distinction be made within independence referendums. This distinction should be based on the nature of the plebiscite and whether it has been agreed by the key actors representing the secessionist option and the status quo: the independentist leaders and representatives of the regional population whose status is to be determined in the referendum, and the host-state national government representing the supreme authority of the current sovereign state.

I.3.c. Agreed independence referendums

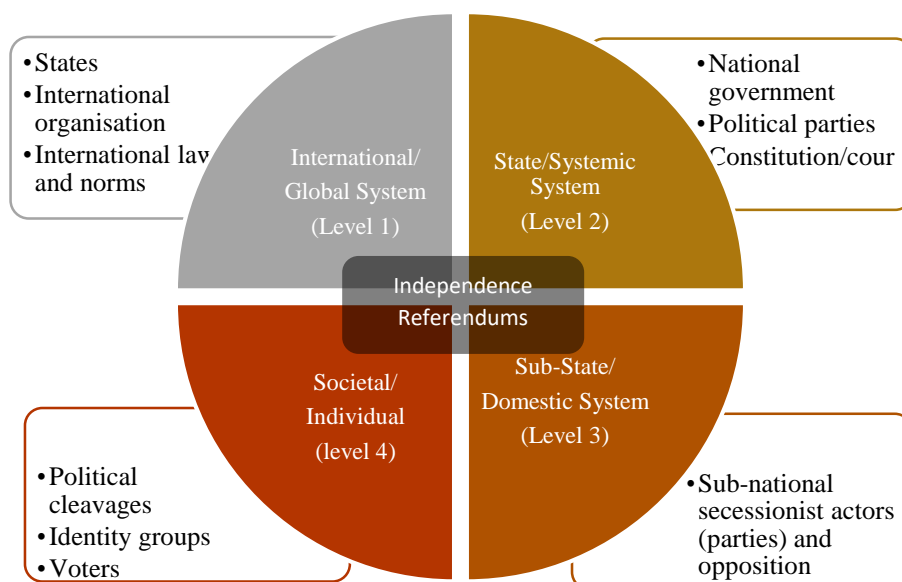
The figure below (Figure I.1) summarises the different levels within which an independence referendum operates. The international (1), state (2), sub-state (3) and societal/electoral (4) levels are composed of various actors which together interconnect those different levels and their systems of laws, norms and competing claims and dynamics. The key concept covered in this chapter - sovereignty, legitimacy, legality, democracy, self-determination, nationalism, and statehood - link these different systems

¹⁵ This work was published online a month before to the final draft of this thesis was submitted.

and actors together and are at the core of independence referendums. Accordingly, as the following chapters go deeper into analysing and understanding the role of independence referendums in secessionist dynamics such concepts will appear on multiple occasions and at different levels of analysis. They are both analytical tools and objects of study as different actors make claims and counter claims about what these concepts entail and which one takes precedent when dealing with an independence referendum and the possibility of secession.

The primary function of an independence referendum is to legitimise the right to secession and achieve host-state and international recognition. It uses the latent sovereignty of a people – framed as a nation – to claim sovereignty over a territory and achieved statehood. When the referendum is an agreed process, the host-state opposition is effectively removed enabling the plebiscite to be determinant in whether secession occurs or not. Accordingly, an independence referendum that is not opposed by the central authority of the existing state considerably increases the likelihood of secession by removing the main obstacle to a successful secession by enabling international recognition. As illustrated in Figure I.1, only then an independence referendum become a direct mechanism allowing the “people” (level 4) to decide on statehood and join the international system (level 1).

Figures I.1: Independence referendums: levels of analysis



Furthermore, an agreed process guarantees that the ultimate choice is down to the people, should a majority support independence. The Yes/No secessionist outcome is then determined by the level of support for secession. The independence referendum, as a political consultative tool, is also a political mobilisation platform (Smith 1976; Kriesi 2008; Shu 2009). The referendum process itself, notably its design and campaign discussed in the next chapter, can, in turn, affect the likelihood of secession as an intervening variable by affecting existing secessionist dynamics and levels of support for independence. In this process, the host-state (level 2) and secessionists actors (level 3) discussed so far become clearer political actors made of specific political parties and “the people” a defined electorate (c.f. Figure I.1).

An independence referendum result could be the mere reflection of how much support for secession existed prior to the referendum being called, or the referendum process itself could have affected the witnessed outcome. Prior to covering this function of an independence referendum as a political mobilisation tool and a possible mediator or moderator in secessionist dynamics in the next chapter, I wish to conclude this chapter by clarifying what I mean by an “agreed” independence referendum.

“Agreed” independence referendums have two components: (a) lack of outright opposition and (b) engagement by the two primary actors enabling the presence of an independence referendum where the people get to decide; that is the regional secessionist movement leaders and the national government. The international community might be an actor in its own right (see next chapter), but given that the host-state has the power to agree to relinquish its territorial integrity it takes precedence. The first criterion for an independence referendum to qualify as an agreed independence referendum is that neither of those two parties opposes the referendum outright, especially the host-state since secessionists are more likely to initiate an independence referendum. By this I mean it does not explicitly say that the referendum is “illegal” and/or the outcome will not be recognised. By refusing to participate in the referendum process and denouncing it, it clearly becomes a unilateral endeavour.¹⁶

The second criterion is engagement with the referendum process. This is demonstrated by either: (a) the national government consenting to a referendum taking place without negotiations or proposing a referendum to settle the secession dispute, (b.1) parties

¹⁶ Only two independence referendums were found to be a unilateral process because the secessionist side refuses to recognise the referendum process as it did not agree with the way it was being conducted or trusted the process to be free and fair: New Caledonia in 1987 and Montenegro in 1992 (c.f. chapter V). As outliers, they are systematically controlled for in the statistical analysis (see chapter III).

entering negotiations to hold a referendum, or (b.2) engaging with the process itself such as taking part in the campaign to argue for a Yes or No vote and acknowledging the possibility of secession. These actions show consent from the secessionist actors and especially the national government that the people do indeed get to decide on their political and territorial status. By engaging with the debate around independence and the referendum process to mobilise voters to *vote* a certain way, they validate and legitimise the referendum process and the implied right of secession that comes with it.

Accordingly, I expect an agreed independence referendum – because of its consensual nature – to be politically binding (Setälä 1997, 140–41; Nurmi 1997, 33; Morel 2007; Dür and Mateo 2011, 472). Even if it is not legally binding and may require further parliamentary procedures for secession to happen, the importance of the subject matter and the democratic principle of national and electoral sovereignty it touched upon makes it very difficult for any of the actors to ignore the referendum outcome if they consented to the process prior to voting day. I do not make a distinction between binding and non-binding due to the ‘political obligation’ generated by the referendums in the first place (Morel 2007). The “right to decide” can in itself be very important, even among No supporters as recent research in Catalonia has demonstrated (Keating 2017b). This creates tensions between the governing and the governed in a democratic system and questions the legitimacy of elites who should represent the citizens, and the state itself.

This argument is based on the earlier discussion on democracy, legality and legitimacy surrounding the state and its relationship with its inhabitants. As previously mentioned, only Germann (2017) has made a similar distinction between agreed and unilateral referendums and his coding matches mine – supporting the reliability of my own work. However, his definition and justification for certain “agreed” referendums, notably the Quebec referendums of 1980 and 1995, are problematic. In his purely quantitative study of the effects of referendums on self-determination conflicts, Quebec’s justification as an agreed process is based on the ‘undisputed’ right to initiate a direct popular vote (Germann 2017, 50). The qualitative study in Chapter IV and V notably will show that this was not the case. A qualitative approach to the study of independence referendum is important to appreciate the causal mechanism behind it.

The Quebec referendums also represent a challenge to my own definition of “consent” (c.f. chapter IV). Nonetheless, it ultimately shows the importance of the underlying argument made here: direct engagement with the referendum legitimises and approves the argument that “the people” are the ultimate holder of sovereignty and they are the ones to decide whether to secede or not. This demonstration of consent leads to a *politically*

binding process which, even when the referendum process is contested, does not negate that the ultimate choice comes down to “the people”. If both parties feel they cannot deny or refuse the right of the electorate to decide, then they would find it very difficult to refuse to accept the decision it makes in a process where they were both involved and/or campaigned.

Calling for a boycott, however, is a way to withdraw consent from the process by not recognising the electoral procedure (Anderson et al. 2005, 6; Norris 2014). A similar principle of delegitimisation – or fear of legitimising by engaging with it – takes place when certain parties boycott elections they do not trust to be a legitimate or free and fair process denying the resulting government their support (Lindberg 2004, 66–67). Another example is the refusal to engage with extreme-right parties for fear of legitimising them in the eyes of the electorate (Minkenberg 2003; Rydgren 2007, 255). A current example is the Spanish government’s categorical refusal to engage in talks with the Catalan government over a public consultation on independence, stressing instead that secession is illegal under the current constitution and we might now face a unilateral independence referendum by the end of 2017 (*BBC News* 2017).

This is not to say that a unilateral referendum is deprived of any consequences. I believe a unilateral process still conveys legitimacy to the secessionist project, and conversely, the illegitimacy and lack of authority of the existing host-state (Farley 1986). It shows the capacity of the separatist actors to mobilise support and fight against the status-quo. Scheindlin (2012) finds that referendums, whether on independence or constitutional changes, play a critical role in articulating political intentions and democratic legitimacy internally and externally in partitioned states lacking international recognition, even if purely at the symbolic level.

This classification, essential for analytical purposes to ensure we are indeed dealing with a referendum which is there to settle a question subject to the electorate, is not perfect. For a start, latent consent can never be as clear as a formal agreement. In the former, the host-state government keeps some “room” in recognising the referendum outcome by keeping some ambiguity as the case of Quebec will demonstrate in chapter V. Nonetheless, even in a formal agreement, the secessionist outcome can be dismissed by either party claiming the process was not free and fair, for example, and therefore trying to delegitimise its significance (see chapter VII). Yet, putting those referendums into a unilateral referendum process would be misleading and an erroneous interpretation of the understanding of what is taking place by the actors involved. Consideration for borderline

cases, such as the referendum in Iceland in 1944 or the Faeroe in 1945 (chapter IV) will test this categorisation's merit and limitation in more depth.

Another challenge with classifying independence referendums along these categories is identifying the "host-state". This is a case of the general understanding of the situation – especially by states which have the power to grant recognition – of who is the entity at a given time representing the supreme – sovereign – authority over the territory. For instance, when the referendums were held in the Baltic States, the communist government and Gorbachev representing the Union of Soviet Socialist Republics (USSR) were the only ones who granted consent and recognition on behalf of the existing state. However, by the time the last referendums in the eastern republics were held, there was not much left of the USSR. The succession of secessions and the internal political instability it had generated resulted in the "dissolution" of the union, but not officially until December 23, 1991. Recognition by the international community was also based on the purposeful use of terminology avoiding the term "secession" – frowned upon in the current international system – but that the state ceased to exist (c.f. chapter IV).

Actors around the referendum, from members of the public, specific groups, parties, the host-state government, or specific sovereign state (e.g. "Great Powers" at the time), will have varying degrees of legitimisation power in the way they engage with the process.¹⁷ While the definitions of "agreed" focus on the region-host-state relationship and who represent the sought-after nation-state¹⁸ and existing state, other actors should be considered to refine our understanding of independence referendums. It is not realistic to expect to find a referendum process where every single group or individual agrees with what is taking place.

Some level of boycott is therefore possible. I only focus on the host-state government and secessionist leaders as the core actors whose consent is needed, but they may wish to make their consent conditional upon other actors also agreeing to the referendum. For instance, Serbia backed the pro-Serb opposition parties in the referendum in Bosnia-Herzegovina¹⁹ in 1992 and Montenegro in 2006. Specific segments of the population or other interest

¹⁷ For example, the OSCE and Council of Europe refused to oversee the referendum in Transnistria in order not to give legitimacy to the process (Quinlan 2008; Blakkisrud and Kolstø 2011). A referendum was held in the partitioned territory, officially under the jurisdiction of Moldova, in 2006. The referendum asked whether to renounce independence and become part of Moldova or retain independence, with the possibility to integrate the Russian federation in the future.

¹⁸ The secessionist movement claims a state on behalf of a specific group or "nation". Yet, the territory it claims may be heterogeneous.

¹⁹ This referendum was coded a unilateral since one of the three peoples whose status was to be set by the referendum boycotted the process, backed by the entity which claimed to be the successor host-state. An alternative coding does not substantially alter the findings of this thesis.

groups not representing the government or leading independentist organisations may still contest the process. When such groups or organisations represent a third or more of the electorate, therefore representing a substantial part of the population deliberately boycotting the process, the implementation of the referendum outcome, even when both key actors identified consent, can become challenging.

Independence referendums - even when consented by all parties - can still be contested in their form. Referendums can easily be manipulated. The referendum's design, and who has the most control over it, has the potential to considerably affect the likelihood of secession being endorsed and how legitimate the outcome is perceived to be can greatly impact the likelihood of secession occurring, even potentially cancelling out its binding effect if the process is not perceived by a key actor to be the true representation of the people's will; it remains that by having consented to the process in the first place, this will be still ultimately binding.

These elements of legitimacy in the process itself will be considered again in the next chapter when considering the effects of an independence referendum on the likelihood of secession and notably support for secession. Indeed, it is an underlying principle that colours all the analytical chapters to follow as the core function of independence referendums.

Finally, the normative principle of democracy and self-determination explored above creates a specific context of what becomes appropriate or not. Appropriateness can be a strong motivator to hold a referendum as I will discuss in the next chapter, which can also lead to precedents (non-written convention) (Morel 2007, 1057). Referendums can generate transnational spillovers creating new standards of what counts as an appropriate way to deal with a political question. This has been the case with referendums on supra-national sovereignty such as the EU (Oppermann 2012, 2013; Dür and Mateo 2011). Cunningham and Sawyer (2017) have shown that secessionist movements learn from one another and frame their claim of self-determination to generate a sense of legitimacy.

The use of an independence referendum, as more precedents are set, is likely to become a more commonly used secessionist tune by secessionist movements in a position to call it (c.f. next chapter). The people on whose name new states are called have historically rarely been a consideration in the practice of state creation or recognition, but as more precedents of independence referendums are set, we can expect referendums to become an increasingly common, and expected, step in state-creation.

Conclusion

This chapter has reviewed how and why questions of sovereignty and territorial change have increasingly been the subject of referendums. The conflation of the nationhood, statehood and democracy has put the – rhetorical – legitimisation of the state in the hands of the “people”. The existing literature on sovereignty referendums, and its sub-category of interest, independence referendums offers an extensive mapping exercise of their practice and their normative and legal standing. However, their consequences are less clear.

This thesis sets out to start filling this gap and argues that a more restrictive definition of independence referendums, and for their categorisation as either “agreed” or “unilateral” is needed. This is essential to engage in a comparative exercise to shed light on how they come about, why, and their consequences on the secessionist dynamics from which they emanate. Accordingly, this thesis is the first study to place independence referendums within their subject matter (secession) as opposed to their nature (sovereignty referendums).

Agreed independence referendums have been identified as the only instance when – prior to the votes being cast – we can expect the referendum and the “will of the people” to be determinant in the outcome given the current politically-discrete practice of recognition which gives priority to the principle of states’ territorial integrity (Radan 2012, 9). However, an agreed independence referendum also leaves it to the electorate to decide whether a new state should be created or not. Accordingly, only within such cases, we can start to consider how the referendum itself can affect the likelihood of secession taking place, through its design and its campaign. The next chapter addresses this possibility and the inherent problem of endogeneity: independence referendums may be more likely to take place because they are more likely to lead to a majority in favour of independence in the first place, but less likely to be agreed upon as the host-state might prefer to consent to a referendum if support is low.

The review of independence referendums as instruments of democracy, self-determination and consensus seeking mechanisms emphasised in this literature review does not deny the need to address pressing questions as to the real intentions of political actors calling them and resulting manipulations of the process. Indeed, referendums are rarely called as a genuine wish to answer an idealistic principle of democracy and legitimacy (Setälä and Schiller 2009; Qvortrup 2012).

Furthermore, referendums typically aggregate complex sets of preferences into a very limited and extreme Yes/No choice (Setälä 1999, 14–16; Newton and Geissel 2012; Bochsler and Hug 2015). A one-day event can have lasting, unforeseen and irreversible long-term political consequences based on a small majority. Even if secession does not take place, it can create lasting division and highlight fundamental problems with the current state of affairs that could keep challenging the state and every-day politics even if secession is temporarily off the agenda. The majority mechanism of plebiscites, known as the “tyranny of the majority”, leaves out important groups and minorities whose own rights of self-determination are denied.

CHAPTER II

Secession and Referendums

Introduction

Secessionist movements call for an independent sovereign state on behalf of a people. While their existence and strength can be assumed to be a partial reflection of existing popular support for secession, the people, in whose name a new state is called, have historically rarely had the ultimate say on the question of independence. An independence referendum allows the people to make this choice. It adds a fourth secessionist dynamic to the one of the secessionist movement, the host-state response, and international recognition: the aggregated individual support for secession. Who are the “people” given this opportunity to decide, and under what circumstances can they have a decisive impact on the referendum outcome?

The previous chapter review of the existing literature on independence referendums and functions of referendums in regard to legitimacy, popular sovereignty and statehood has led to a subclassification of independence referendums to help answer this question. Holding an independence referendum does not guarantee that voters will have the last say on which sovereign state they wish to live under unless the process is consented by the government of the existing host-state. A unilateral independence referendum does not have the legitimate and politically binding effect of its agreed counterpart. Only in a consensual process do voters and the number of ballots cast in favour of secession ensure that the “will of the people” determines statehood. Yet, the referendum process itself can constrain and shape actual support for secession and, ultimately, the outcome.

The major difficulty in answering the overarching research question of the thesis rests with unpacking the complex relationship between the context within which the secessionist movement operates, and how the context itself determines the nature and strength of the secessionist movement, the presence of an independence referendum, and the witnessed secessionist outcome. An inherited problem of endogeneity (simultaneous causality) becomes apparent in analysing independence referendums. Namely, is the context where a referendum is held one that is already more favourable to secession

occurring? And is a referendum more likely to be held, and consented upon by the host-state, because of the existing level of support for secession?

This chapter reviews the literatures on secession and referendums in order to investigate how an independence referendum interacts with secessionist dynamics and, as a result, potentially increases or decreases the likelihood of secession. It brings these two extensive and largely independent literatures together by limiting the review to the major elements that relate directly to independence referendums, from the secessionist movement and context that brings them forward, to referendum campaigning and mechanisms of electoral mobilisation. Within both scholarly approaches, academics have adopted different underlying assumptions or arguments about the nature and functions of secessionism or plebiscites. While I will adopt some of them for analytical purposes, I do not aim to directly address these debates and instead I use these literatures as a stepping stone to identify what to concentrate on and what might be expected when analysing independence referendums and their consequences.

Continuing from the conclusions drawn in the previous chapter, I first formulate testable hypotheses (resumed in Appendix D) and more general expectations and assumptions to consider the effect of an independence referendum on the likelihood of achieving statehood (*HSec*) and its possible mediating effect. Furthermore, the general assumptions uncovered in the existing literature on legality (*HLaw*), and the need to distinguish between agreed and unilateral plebiscites is assessed. I then consider why an independence referendum may be called and agreed upon (*HRef*) by secessionist actors and the host-state government. The last section moves on to consider how the referendum itself and its design can affect the secessionist outcome, notably by acting as a moderator on the level of support for independence (*HSup*).

The organisation of this chapter follows the logic of going from a broad, macro, perspective on whether referendums lead to secession derived from the previous chapter (DV=Secession/State creation), to a more in-depth analysis of why and how referendums on independence come about in the first place (DV=Referendum held/agreed). The last section focuses on the referendum *process* effects at the micro level, notably how its design affects the electorate and support for secession (DV=Support). The hypotheses are operationalised in the next chapter and tested empirically in chapters IV and VII on quantitative evidence (dataset or polling data); while the knowledge and expectations drawn from the existing literature reviewed closely informed the qualitative analysis of the Quebec and Montenegrin case studies.

II.1. Secession

II.1.a. The will of the people and state-creation

An agreed independence referendum can act as a moderator and mediator in secessionist dynamics. It is a potential mediator when the secessionist movement is already strong in its capacity to mobilise the population and already has within the region a high level of support for separation. In such cases the agreed independence referendum, by removing the host-state opposition, facilitates secession. It can also have a moderation effect when support for independence in the region is still close to a majority of the electorate supporting independence but a 50 percent plus one majority remains within the margin of error, meaning the polls leave uncertainty that this threshold will be reached on voting day. In this scenario, the independence referendum process itself, from how it is designed to the referendum campaign, can potentially affect the voting outcome and whether a qualifying majority ultimately supports separation from the existing state. Prior to considering when and how the independence referendum *process* can affect the secessionist outcome, I first consider the effect of *holding* an independence referendum on whether secession occurs.

As discussed in the previous chapter, state-recognition - the process through which a secessionist movement can achieve full statehood - is currently not dictated by any international law or consistent norm with the exception of colonialism. The principle of self-determination called upon by secessionist movements to justify their right to statehood has only been accepted as a criterion for recognition in this latter case. This is due to a combination of changes in international norms and what was deemed acceptable under the growing influence of the principle of democracy and human rights, along with the practical capacity of colonial powers to withstand such movements for independence (Cattaruzza 2007). Furthermore, colonial territories differ in two important ways when compared to current secessionist regions. First, their territory was not a constituent part of a host-state (e.g. France), but a colonial empire and they were typically separated by a sea or ocean.²⁰ Secondly, the colonial population did not have full citizenship status.

Accordingly, colonial cases are initially included in the analysis but subsequently dropped for reasons of comparability and as a form of control for a “colony” effect. Indeed, given the literature review, I expect colonies to be much more likely to have achieved statehood regardless of the presence of an independence referendum. Given the international

²⁰ This led to the principles guiding decolonisation since the 1960s to be coined the ‘salt-water’ doctrine (Österud 1997).

pressure for decolonisation since the 1960s especially, it is likely that a colony would have achieved statehood even without a plebiscite, and while the referendum itself may have facilitated secession at the time, it did not substantially increase its overall likelihood of succeeding.

HSec.1: Colonial Secessionist movements should result in a successful secession, regardless of whether a referendum was held.

From Finland to Namibia, and the latest case of South Sudan, successful secessions do not follow a specific trend outside of the colonial context, with the exception of the host-state lack of opposition or international pressure for it to grant recognition. If the independence referendum process is consensual, the host-state government acknowledges the right of the people within the region to secede, therefore resulting in independence if a majority supports it. On the other hand, a unilateral referendum, because it lacks the politically binding nature of its agreed counterpart is not expected to result in the creation of a new independent state, regardless of the level of support for separation.

HSec.2: Having held a unilateral independence referendum does not make a region more likely to have achieved independence than if no referendum was held.

HSec.3: Having held an agreed independence referendum makes a region more likely to have achieved independence than if a unilateral referendum, or no referendum, was held.

Furthermore, one of the core arguments of this thesis is that a consensual referendum process, where the secessionist leaders and the host-state government agree that the “people” are to ultimately decide on their political status, is more important than whether secession itself is legal. Conversely, a constitutional right to secede does not mean that an independence referendum will be a consensual and a binding process on the host-state government. I will test these assumptions in Chapter IV and chapter V:

HLaw.1: An agreed independence referendum does not require a constitutional right to secession.

HLaw.2: A constitutional right to secession does not guarantee an agreed independence referendum process.

Overall, this means that whether the referendum is an agreed process, and whether a majority of voters endorse separation will be the most important determinant factors in the secessionist outcome, not the constitutional legality of secession which has been the concern of many normative scholars discussed in the previous chapter.

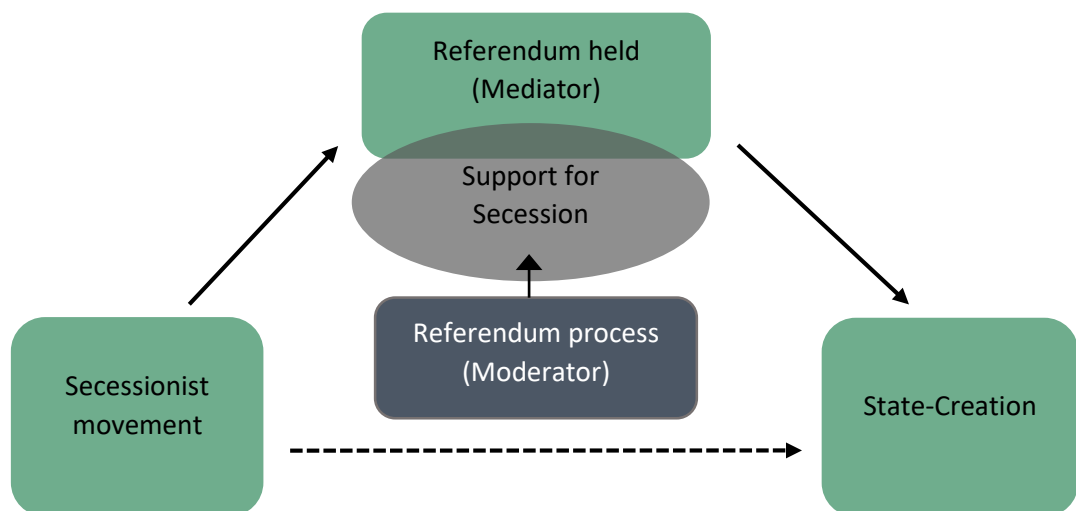
HSec.4: A unilateral independence referendum should not result in secession, even if a majority of voters endorse independence, and even there is a constitutional right to secede.

HSec.5: An agreed independence referendum should result in a successful secession if a majority of voters endorse independence, even if there is no constitutional right to secede.

II.1.b. Mediator and moderator

Because an agreed independence referendum is a consensual process between the host-state government and secessionist leaders, it is expected that both parties will respect the referendum outcome. However, the way the referendum is conducted and whether the process was perceived to be acceptable (free and fair) by the actors involved is also important. Furthermore, the referendum process could affect the initial level of support for secession, increasing or decreasing the appeal of independence, and therefore affect the likelihood of secession beyond simply facilitating separation where support for independence among the population is already high. Indeed, the referendum result could simply be a reflection of existing support for independence. If support for independence is already over a majority of the electorate it acts as a facilitator (mediator) in achieving statehood by removing the host-state opposition to secession. Yet, the referendum process could affect the existing support for independence and therefore act as a moderator (see Figure II.1).

Figure II.1: Independence referendum effect on likelihood of secession



Secessionist actors who wish to call for an independence referendum would consider their chance of winning the referendum, and therefore existing support for secession. If there is no majority support for separation, they will need to assess their chances of breaching the gap in support during a campaign to achieve a qualifying majority. Inversely, the host-state government may be more inclined to agree to an independence referendum if it

believes it can lead to the rejection of independence, asserting its own legitimacy and putting the question of separation on the back burner, at least for a time.

Besides, regardless of the existing level of support for independence in the region, the secessionist actors need to be in a position to be able to call an independence referendum in the first place and, especially in a unilateral process, hold the vote. Secessionist movements in a position to call and hold a referendum may already be quite successful in mobilising the population or their capacity to withstand the host-state authority, and, potentially more likely to achieve independence regardless of the referendum. Accordingly, prior to considering in more depth when and how an independence referendum, as an intervening variable, can increase or decrease the likelihood of secession, we first need to better understand when independence referendums are more likely to be held, and in the case of a consensual independence referendum, agreed upon.

II.2. Referendums

II.2.a. Why do referendums occur?

While the legitimising function of referendums and independence referendums, in particular, is evident, it is still too simplistic an explanation as to why they are held and when. The literature reviewed below is limited in its ability to account for why referendums on independence are sometimes used or not, and the role of sub-national or international actors in the process as opposed to the national government which is traditionally the initiator of referendums. Several scholars have agreed that a general theory of why referendums occur is difficult to establish and the presence or absence of a referendum may be best explained as a unique product of a specific historical process and contextual setting (Lijphart 1984; Morel 1993; Gallagher and Uleri 1996, 235; Dür and Mateo 2011).

The referendum literature has identified common, not mutually exclusive, incentives to call a plebiscite on a national government which may also be applied to regional actors (Björklund 1982; Morel 1993; Dür and Mateo 2011). First, the referendum may be a required step to implement the desired change (see the case of Iceland in the next chapter). Secondly, a political minority uses the electorate to go forward with a policy it cannot alone achieve in parliament or the referendum is used as a conciliatory device to reach an agreement within a divided party. The 1962 referendum on Algerian independence, for instance, was used to pass a proposal when no legislative majority could be achieved. It

can also be used to remove a specific issue from the political agenda. According to Pinard and Hamilton (1977), the Parti Québécois decided to call a referendum to remove the question of independence from the elections debate and get elected (c.f. chapter V).

Finally, the referendum might be seen as an essential step to make the desired outcome acceptable to the public (Morel 1992, 836–37, 2007). Even then, ‘it is generally possible to discern the preferred outcome of those who planned and organised the referendum strategy’ (LeDuc 2002a, 720). More specific to sovereignty referendums, an independence referendum can be a mechanism for conflict-resolution. It was used by the UN to intervene in East-Timor and South Sudan and help reach an agreement and bring peace between the host-state and region (Maley 2000; Martin 2001; Christopher 2011). A referendum on independence may also be organised to legitimise the military seizing of a territory as in Crimea (Vasovic and Collett-White 2014).

Secessionist actors will call an independence referendum when they believe they can achieve a majority to further their goal of achieving statehood by invoking the concepts of democracy, self-determination and sovereignty explored in the previous chapter. Even if secessionist parties already have a majority in the regional parliament they may not have a majority of electors on their side and feel they cannot use their government mandate to declare independence.

The timing of the plebiscite can be controlled to optimise one’s chances of winning it (Romer and Rosenthal 1978; Polborn and Willmann 2004), based on polling data (Walker 2003, 52). In certain circumstances, the timing of the referendum might have been determined long in advance. For instance, in South Sudan, the Comprehensive Peace Agreement (CPA) and the temporary Sudanese constitution included an independence referendum clause and when and how it should be done. While such parameters could to some extent be shaped by the North and South leaders during the peace negotiations, it had to be done without knowing what the context would look like in the six years that separated the agreement and the deadline to hold a referendum on the independence of South Sudan.

The referendum offers a chance to achieve and demonstrate that a majority of the population supports separation, by mobilising the undecided and averting internal opposition. Accordingly, the existing level of support for independence will be an important factor in the decision to call a plebiscite and needs to be taken into account to consider whether the referendum process itself can affect the likelihood of secession taking place. That is if secessionist actors find themselves in the position to call a referendum in the first place.

Perhaps one of the most fundamental criteria for an independence referendum to be witnessed is feasibility. Secessionist actors need to be in a position to call and hold a plebiscite. This is especially true for unilateral referendums. A group with no political representation, in a region with no devolved political infrastructure of its own, may find it difficult to mobilise and organise a referendum. For a popular consultation to take place, secessionist actors need to have places to hold the vote, print ballots and campaign for people to go and vote, and they need to guarantee that they can do so safely.²¹

In order to answer the research question of whether and how an independence referendum affects secessionist dynamics, and more particularly the likelihood of secession occurring, we need to account for its interconnectedness with secessionism itself and the context where it is held. Indeed, the contextual setting is crucial as it determines existing support for independence prior to the referendum being called, whether a referendum will be called and agreed upon, and how the referendum itself can affect this context and decrease or increase the chances of secession. The literature on secession has considered what motivates individuals to support independence and uncovered sociological, political and economic explanations. They need to be accounted for when predicting the presence of an independence referendum and the likelihood of secession occurring.

II.2.b. Where do referendums occur?

The region and host-state characteristics (e.g. regime type, territorial constitutional set-up) provide elements that can increase the capacity of secessionist movements to seize control of the region and mobilise support for independence in order to achieve secession, and, reversely, stand against them. The type of host-state government faced by secessionist actors and how it answers initial calls for independence in particular can account for the strength of the secessionist movements and the tactics employed (political or violent means) to achieve statehood. I expect that factors found in previous research to be associated with increased support for independence to make the holding of an independence referendum more attractive and likely to be held, as it is more likely to be won by the secessionists. On the other hand, where support for secession is high, a host-state government may be much more reluctant to concede to a referendum it is very likely

²¹ The Nagas independence referendum represents an outlier as mentioned in the previous chapter. The referendum was a “signature referendum” not making use of these infrastructures and is therefore systematically controlled for in the statistical analysis. The Naga National Council campaigned for the secession of the Naga territory from India and creation for a sovereign Naga state. It held an independence referendum without the consent of the Indian government on 11 May 1952 and claimed that 99.9% of the Nagas wanted independence. There are however no reliable figures on turnout.

to lose.

This chapter does not pretend to be a full review of the factors linked to support for independence or the complex dynamics of secessionism. Nor do I wish to test existing theories on what drives individual support for secession. Instead, I will consider the main arguments and variables in the literature - both quantitative and qualitative - to take into account and control for when considering the presence of an independence referendum and the likelihood of achieving independence, accounting for the likely underlying aggregate support for independence.

Societal explanations

Derived from the discussion on nationalism in the previous chapter, ethnic distinctiveness has often been seen as a precondition for separatism. The more culturally distinct in religious or linguistic terms a regionally concentrated group is, the more readily it can be set apart from the host-state and therefore be mobilised in favour of independence (Sorens 2005, 318). This can, however, be mitigated by how long the region has been part of the “union” with the host-state allowing for integration and accommodation within the larger national unit. Citizens can feel attached to both the regional and state identity with different intensities - referred to as ‘dual’ or ‘nested’ identities (Mendelsohn 2002; Moreno 2006; Henderson 2007) - and may not wish to dismiss their host-state even if they support more (internal) self-determination.

HRef.1: an independence referendum is more likely to be held in a region where the population is culturally distinct from the host-state population.

HRef.2: an independence referendum is less likely to be held the longer the region has been part of a union with the host-state.

Violent conflict between the host-state government and secessionist actors²², or the state-majority and regional minority can affect identity by creating a context of “ethnic security dilemma” where individuals feel their very existence is threatened because of their identity. In turn, said identity and conflict re-enforce each other (Posen 1993; Lake and Rothchild 1998; Sambanis and Shayo 2013; for a review of the literature see Kaufman 2006). This leads to a context of high polarisation between different groups which makes it more likely that the inhabitants of the region witnessing violence will mistrust the host-state. The literature has extensively assumed a hardening of identities in the context of a

²² This may depend on how representative of the regional population the secessionist actors are. Some secessionist movements have the *capacity* to wage war on the central government of a state to seize a territory but they may not have much actual popular support for the said cause (P. Collier, Hoeffler, and Rohner 2009; J. D. Fearon and Laitin 2003).

security dilemma which would lead to strong support for secession and less ability to compromise on a middle-ground option, such as more autonomy.

Some studies seem to confirm this dynamic. A study of opinion polls in the de-facto states of Abkhazia, Nagorno-Karabakh, South Ossetia and Transnistria shows that only inhabitants of Transnistria are likely to reconcile with their host-state as the level of violence was much lower at the time of the breakup of the Soviet Union (O'Loughlin, Kolossov, and Toal 2014, 452). Support for independence is also motivated by security and economic concerns for Russian minorities in separatist Russian republics (Hagendoorn, Poppe, and Minescu 2008). A survey in Sudan in 2010 and 2011 showed that Northerners who experience rioting and violence by southerners in 2005 were more likely to support South Sudan independence but less likely to want southerners remaining in the North (Beber, Roessler, and Scacco 2012, 2014; see also Cederman et al. 2015).

It shows that negative intergroup attitudes hardened by political violence make individuals less willing to live alongside different groups associated with this violence, making them more likely to support the region seceding from the host-state, even if they are concerned about the economic cost of secession. These few examples suggest that security trumps other concerns such as economic or purely political concerns, and the former are closely tied to identity and the experience of violence. Accordingly, where such violence occurs, support for independence should be very high, meaning an independence referendum will certainly result in a strong majority for secession. However, the presence of violence is an indication of the host-state's unwillingness to compromise and suppress secessionist attempts (Bartkus 1999; Ker-Lindsay 2013), which makes the holding of an independence referendum, especially an agreed process, more difficult without external intervention (see below).

HRef.3: an independence referendum is less likely to be held if violent confrontations occurred between the region at risk of seceding and the host-state.

State and regime instability can also be a contributing factor to secession. A weak and changing regime gives an opportunity to declare independence as the host-state might not have the capability to enforce its rule throughout its territory and prevent the holding of an independence referendum and a de-facto secession.²³ It also loses legitimacy in the eyes of the population which may then be more likely to support independence in a time of uncertainty and insecurity (Rose 2000, 7; Saideman et al. 2002). Furthermore, the international community will be faced with a situation where the host-state is unable to

²³ The collapse of the USSR is the most notorious example, see chapter IV. This context is also more likely to lead to multiple secessions (Ayres and Saideman 2000, 98).

fulfil its basic function of enforcing authority within its territory, potentially making recognition more likely, increasing the appeal of an independence referendum for secessionist actors.

HRef.4: an independence referendum is more likely to occur during a period of political instability for the host-state.

Political Explanations

In addition to those elements, since referendums are primarily a political phenomenon, political factors are likely to play an important role in accounting for their presence and outcome. An important variable, which may moderate many of the other variables identified in the literature to affect secessionist dynamics, is the type of host-state regime. Democratic host-states are less likely to see violent secessionist movement and extreme forms of mobilisations (Ellingsen 2000; Scarritt, McMillan, and Mozaffar 2001). However, authoritarian regimes may also be in a good position to prevent or suppress any form of secessionist mobilisation. Scholars have found a u-shape relationship between the level of democracy and the presence of ethnic violence where very autocratic states are equally likely to experience violent secessionist mobilisation than democracies (Mousseau 2001).

An established, stable, democracy has been portrayed as the best medicine for separatism and secession taking place, although it is not ‘secessionist movements-proof’ (Dion 1996; Brancati 2008). Democracy is conceived as an essential component of advocates of internal self-determination or remedial rights only theories to answer the political grievances behind secessionist demands before secession can be considered as an option as seen in the previous chapter. The latter explains secessionism as a consequence of systemic discrimination and resulting grievances within a minority group (Gurr 1970, 2000; Bermeo 2002, 108). When a culturally distinct population suffers cultural, political or economic discrimination, domination, exploitation or repression by the host-state or its dominant group, they can be more readily mobilised, especially in taking radical actions (Fox 2000, 19; Gurr 1970).²⁴ A democratic host-state, because of the protection of human

²⁴ The relationship between grievances, violence and mobilisation is likely to be more complex however. Who initiates violence and under what circumstances and whether the actions were perceived as legitimate by the regional population will likely dictate whether individuals will also take action.

rights and the representative democracy it offers is believed to alleviate those grievances, therefore removing incentives to separate.

On the other hand, while support for independence is likely to be lower in democracies than anocracies or autocracies, an established democratic host-state may facilitate popular mobilisation for secession through traditional political channels for secession and facilitate the calling and holding of an independence referendum. Because a democratic regime relies on the principle of popular support, freedoms of expression and human rights, it might be more difficult to prevent the emergence of a secessionist movement and prevent the holding of an independence referendum. Furthermore, because of these principles, a national government may find it harder to disapprove outright the plebiscite, making it more likely to be an agreed process (see below).

HRef.5: an independence referendum is more likely to occur in a democratic host-state.

A similar paradox can be found in the territorial organisation of the host-state. Ethnic-federalism, where at least one federate unit is drawn along ethnic-lines, allows for the regionally distinct population to self-govern on devolved matters. This arrangement gives ‘opportunities to participate in government, giving groups control over their political, social and economic affairs’ (Brancati 2006, 625) allowing for internal self-determination. Power-sharing goes further by allowing for political decision-making powers at the local level (self-rule) but also guarantees a form of executive power at the national level (shared-rule) (Lijphart 2004, 97–98; Erk and Anderson 2009, 192). Such arrangements should, therefore, lessen the incentives for the regional population to secede since they have an opportunity to exercise their right to self-determination regionally, while also being represented at the national level. Power-sharing may, therefore, lessen support for independence, making secession less likely and weakening the appeal of calling a referendum, while incentivising local elites to remain within the union by granting them influence at the state-level.

HRef.6: an independence referendum is less likely to occur if power-sharing is in place.

Yet, these political arrangements, which have been used to accommodate a territorially culturally distinct population, therefore, reducing the *incentive* to secede, have also been argued to be responsible for facilitating secession by increasing its *feasibility*. The scholarship remains divided on whether autonomy provision, through devolution or federalism notably, increases or decreases the likelihood of secession (e.g. Anderson 2004; Guibernau 2006). Roeder (2007) believes ethnic-federalism is a primary predictor of secession. Autonomy can have the indirect effect of encouraging secessionism because it enables the growth of regional parties (Brancati 2006; Sorens 2005), and can increase

their capacity to mobilise the population in favour of secession thanks to direct access to political power and resources (Erk and Anderson 2009; Lecours 2012). This increases both the ability to gather initial support for secession and the ability to call an independence referendum.

HRef.7: an independence referendum is more likely to occur in an ethnic-federation.

A region which has devolved powers within the union with the host-state may still not be governed by the specific cultural group inhabiting it if the regime is not democratic or it has little support. Accordingly, we should also account for whether the specific ethnic group or nation within the region dominates the regional government. While this ensures that internal-self-determination is more likely to apply, if these representatives are members of secessionist parties, this may considerably facilitate the calling and holding of an independence referendum. The fact that secessionist actors find themselves in a position to hold executive powers within the region is likely to be an indication that some support for independence is present – although not necessarily a majority (depending on the electoral system), nor that all their electors support independence (Sorens 2008; Richez and Bodet 2012). Voters may even support an independence referendum without supporting secession in the hope to put pressure on the central government to make concessions towards more autonomy (Siroky, Mueller, and Hechter 2016; Rourke, Hiskes, and Zirakzadeh 1992, 111–14).

HRef.8: an independence referendum is more likely where the region's culturally distinct population representatives dominate the regional government.

Economic explanations

The last core of the secessionist literature focuses on economic factors to explain separatism. The arguments from a “grievance” perspective emphasise relative economic deprivation and structural inequality as a source of mobilisation for a new independent state (Gurr 1970, 2000). Support for secession would, therefore, be stronger among inhabitants of a poorer region relative to the rest of the host-state (Horowitz 1985, 131; Sambanis and Milanovic 2011). Electoral studies in Quebec found that individuals who expected to make gains in term of protecting their cultural distinctiveness and economic welfare were more likely to support independence (e.g. Mendelsohn 2003; Blais and Nadeau 1992; Howe 1998).

Yet, if the host-state allows for redistribution of resources among its parts (as is generally the case in well-established democracies) and subsidises the region, support would

decrease as independence might be economically less viable. Furthermore, economic considerations can also be seen in association with nationalism and the modern nation-state welfare policies (Rokkan et al. 1999, 265; McEwen 2006) which reinforce allegiance to the state and the national body of solidarity (Keating 2001, 21). Accordingly, more than the region being poorer, the nature of the host-state and its own wealth and system may be more important in determining support for independence, and therefore the appeal of holding an independence referendum to achieve secession through the ‘will of the people’.

HRef.9: an independence referendum is less likely to occur in richer host-states.

On the other hand, the ‘greed’ theory of secession advances that secessionist movements are primarily driven by great economic prosperity (e.g. Collier and Hoeffler 2004; Collier, Hoeffler, and Rohner 2009; Sambanis and Milanovic 2011; Sorens 2011). Most of these studies, however, have focused on the presence of natural resources and secessionist conflict intensity as opposed to the general likelihood of achieving independence or actual popular support for secession. Nonetheless, richer regions are in a better position to attract support for secession as they present a more viable independent state (Alesina and Spolaore 2003; Hechter 1992). Accordingly, an independence referendum becomes attractive as support can be gathered around the promise of economic gains. In a similar manner, more populous regions can make a more viable state (Alesina and Spolaore 1997; Fazal and Griffiths 2014).

HRef.10: an independence referendum is more likely to occur in more populous regions.

HRef.11: an independence referendum is more likely to occur in a richer regions relative to the host-state.

While economic resources increase the capacity and incentive to secede, and therefore the desirability of holding an independence referendum to legitimise the claim to statehood, it does not guarantee recognition. The host-state might be more likely to oppose secession given it has more to lose if the region secedes. Secessionist actors may also consider the response of the host-state when calling an independence referendum. Within the secessionist scholarship, the host-state government response to secessionist movements is presumed to be either accommodation or repression (and more rarely, ignoring the issue) (Frombgen 1999, 98; Gallagher Cunningham 2014).

In extreme cases, the call for an independence referendum and its preparation may escalate tensions further and the secessionist movement risks facing a violent repression from the government. Ideally, the national government will agree to the referendum ensuring a consensual, politically binding process that acknowledges the right (of the people) to secede. When the host-state government refuses to acknowledge the plebiscite, it can be

annulled or altered. For instance, Catalonia rebranded its original independence referendum into a public “consultation” after the Spanish Government and Constitutional Court declared a referendum on independence illegal (Kassam 2014). Two years later, the Catalan separatists seem now set on holding a (unilateral) independence referendum in October 1st, 2017. In doing so, they risk the Spanish government preventing the holding of the plebiscite and an escalation of conflict (Buck 2017).

II.2.c. Why ‘agree’?

The other side of the coin of secessionism is the central government which represents the state at risk of being dismantled. This state government is critical in making the “option of secession” possible and therefore enabling a referendum on independence to truly fulfil its function as a popular consultative device to enable the “people” to decide. Why would a host-state government consent to an independence referendum and risk losing part of its territory and population when the current international norms favour its territorial integrity?

States, as international actors, and their national governments face both internal and external motivations and constraints. From a neorealist perspective, states wish to maximise their power and seek relative gains within an inherently anarchic international system (Waltz 1979). Accordingly, they will be particularly attached to their territorial borders and attempt to suppress any threat to their authority and power (e.g. in the form of economic resources). From a liberal and constructivist perspective, however, states also seek and are constrained by, norms, ideas and the desire to be part of a domestic and transnational society (e.g. Moravcsik 1997; Hopf 1998). Unlike realist and neorealist approaches which see preference as constant and intimately linked to power, in liberal, and especially constructivist perspectives, such preferences and motivations can change according to the internal environment and domestic pressures such as concerns for democracy and human rights covered in the previous chapter (see for example Checkel 1997; Goodman and Jinks 2004; Botcheva and Martin 2001).

In addition to the internal system influencing state behaviour and motivations, the domestic level plays a crucial role in the behaviour of the host-state government, especially in democracies where the government’s re-election is dependent on the electorate. Even authoritarian regimes, albeit to a lesser extent, seek legitimacy from the population and find themselves constrained by it (Linz 2000; Schatz 2006; Burnell 2006). Public opinion, culture, internal organisations and even the personality of individual leaders at the time can account for why a government decides to behave a certain way

(Kaarbo, Beasley, and Lantis 2002). When it comes to answering a secessionist challenge, Ker-Lindsay (2013) identifies six reasons why states oppose secession: an emotional attachment to the territory; the outcome of internally-displaced persons; economic factors; historical and cultural issues; fear of further secession (see also Walter 2006); and national pride.

Taking both realist and constructivist concerns into account, I propose three main explanations, not mutually exclusive, for why a host-state may concede to an independence referendum and open the possibility of secession. They are: (a) the host-state government has reasons to believe a majority support for secession is very unlikely and therefore accepts the independence referendum as a means to “settle the question” in its favour; (b) fighting or making concession to keep the region is not deemed to be worth it; and (c) the host-state government has no choice but to concede to the referendum as refusing it would be deemed too costly. Some include pragmatic, other more ideological considerations.

The literature reviewed above has helped identify specific contextual factors associated with increased or decreased support for secession among the population. They still apply here as incentives and institutional facilitators to call and hold an independence referendum which can also apply to agreed independence referendums in particular and are therefore not repeated here. Factors that are associated with increased support and incentives for secessionist actors to hold a referendum, however, might be reversed in an agreed process as the host-state might be more reluctant to consent to the plebiscite as it is more likely to lose it. Furthermore, if the region is relatively richer than the host-state, the national government may be less inclined to grant recognition to a referendum process and risk losing one of its richest parts.

While I expect secessionist movements to call and hold an independence referendum when they believe they have a majority support in favour of independence, the host-state government might be more inclined to agree to the process because it believes that support for secession lacks a majority. When polls show very low levels of support (around or below 30 percent), a central government might decide to allow an independence referendum to take place if it feels confident a large portion of the population does not favour secession. An “It won’t happen” approach. Giving in to the secessionists’ demand for a referendum can be a strategy to settle the question in favour of the status quo and weaken the movement.

On the other hand, where there is uncertainty on how much secessionist support exists, or there are reasons to believe that support is above 50 percent, I expect a government will abstain from taking the risk of agreeing to a referendum. If *HRefA.1* below applies, we will see variables associated with an increased likelihood of witnessing an independence referendum because support for independence is expected to be high under the specific societal, political and economic variable discussed above, reversed in an agreed process.

HRefA.1: A host-state government will consent to an independence referendum being held if support for secession is low.

More rarely, a host-state government may even pre-emptively organise a referendum when faced with a secessionist movement if it is confident to win the plebiscite, boosting its legitimacy over the territory and population and symbolically weakening the separatist movement. Only two independence referendums were found to be initiated by the national government: Montenegro in 1992 (covered in Appendix C), and New Caledonia in 1987.²⁵ The Kanak pro-independentists boycotted the referendum as they did not agree with the franchise proposed by the French government which made them an electoral minority. It is difficult to assess however how many of the 41 percent of the abstentionist electorate purposefully boycotted the referendum (Mohamed-Gaillard 2003, 181).

Granting an independence referendum, even when confident that secession will be rejected by the electorate, can be dangerous for the host-state government as it sets an important precedent. Once the right of the people to decide has been asserted, and the union legitimised through a referendum, it becomes difficult to contest the holding of another referendum in the future.²⁶ Furthermore, such precedent can also be applied to existing or possible future secessionist movements within the territory, increasing the likelihood of secession occurring overall (*see HRefA.2b* below). Accepting to give an option to secede is a very important step in recognising the right to secede, and one, I will argue throughout this thesis, difficult to reverse.

Secondly, fighting for the territory and population in question might be considered a fruitless endeavour. At the time Sweden conceded to Norway's secession, Stockholm did not have much to gain economically or politically from retaining Norway. It was already

²⁵ The referendum was held on the 13th September by the French authorities. voters were given the choice of remaining part of France or becoming independent. Only 1.7% voted in favour of independence with a turnout of 59 percent. The French government rejected the involvement of UN observers and the proposal by the Kanak and Socialist National Liberation Front desire to amend the eligible electorate to only include the indigenous population.

²⁶ A similar dynamics occurs when the state makes concession to separatist groups (Walter 2006).

extensively decentralised, poor, and the (forceful) union between the two was less than a 100 years old. France or Great Britain did not have the financial or military capabilities to fight against the rising secessionist wave within their colonial territories. Departing from territorial possession might become a necessity, especially when international norms made colonialism increasingly unacceptable (Goldsmith and He 2008).

The state government may find that the costs of trying to prevent secession outweigh the benefits, or may even welcome separation (if it has to extensively subsidise the region for example) and prefer to keep “good” neighbouring relations (Hechter 1992; Fossum and Haglund 2008). The referendum is then agreed upon as an acceptable way to decide on secession - as some normative scholars covered in the previous chapter have argued - and justify further the loss of its territorial integrity. This may be particularly true if the region population represents a large share of the total host-state population, adding pressure on the government to consent to the “will of the people” being heard as the latter represents a large share of its citizenry.

HRefA.2: A host-state government will consent to an independence referendum being held if it deems the cost of retaining the territory and population outweigh the benefits.²⁷

HRefA.2a: an agreed independence referendum is more likely to occur the bigger the population of the region at risk of seceding is relative to the host-state.

HRefA.2c: an agreed independence referendum is less likely to occur if the host-state faces other secessionist movements within its territory.

Finally, the third reason identified and closely linked to the second is the cost related to *not* consenting. Firstly, this could be linked to a diplomatic cost. The international community through the channel of an international organisation such as the United Nations or the European Union can put pressure on a national government to hold an independence referendum as a means to resolve its internal conflict (*HRef3.a*). This was the case in East Timor and South Sudan for example (Martin 2001; Christopher 2011). In the case of Sudan and South Sudan, the UN intervention and use of incentives and sanctions helped reach a peace agreement which included the holding of a referendum on independence (Brittain et al. 2010, 27).²⁸

²⁷ When it comes to the relative wealth of the region, which may increase support for independence, the host-state may also oppose a referendum because of the risk associated with losing one of its wealthiest parts (c.f. *HRefA.2* below).

²⁸ External intervention in secessionist conflicts and the holding of a referendum can also lead to the plebiscite being hindered. In the case of Kashmir, the Security Council established certain

Secondly, the cost can be political. Not consenting to an independence referendum taking place and abiding by a democratic norm can fuel separatist sentiment or an escalation of conflict and be counter-productive. A government chooses the referendum path to escape the responsibility of having to make a decision (Şen 2015, 25; Morel 2007). Hypothesis *HRef.5* discussed above, that independence referendums are more likely in more democratic host-states, also applies to agreed referendums in particular. This is especially the case where a majority of the population in the region supports a “right to decide” by referendum, even if it does not support independence. This was the case in Montenegro (c.f. chapter V), and in Catalonia where the latest survey research suggests that over 70 percent support a referendum, with support for independence standing at around 45 percent (Institut de Ciències Polítiques i Socials 2016; Centre d’Estudis d’Opinió 2017).

HRefA.3: A host-state government will consent to an independence referendum being held if it deems it feels it has no choice but to do so due to external (e.g. great-powers or international organisations) or internal constraints (e.g. popular protest).

Meanwhile, the secessionists may consider the implications of losing a referendum on their future chances of achieving independence and assess the response of the central government. If it declares the process illegal from the start, the secessionist actors may wish to delay the plebiscite and try to reach an agreement. If an agreement is reached, the secessionists may have to contend with a less favourable design or assess the possible concessions made during the referendum process by the host-state rendering the union more attractive. The reasons beyond calling a referendum and an agreement on behalf of the host-state government are therefore likely to be cumulative and weighted against each other, and therefore very context-dependent. The most difficult, and interesting situation I believe will arise when the polls suggest that the referendum result is too close to call. The secessionist movements and host-state are both in an uncertain situation and in a weak position to make a concession to agree on a referendum process. Indeed, in such circumstance the referendum design and the campaign become crucial in determining the referendum outcome and whether secession will occur.

II.3. Support for secession

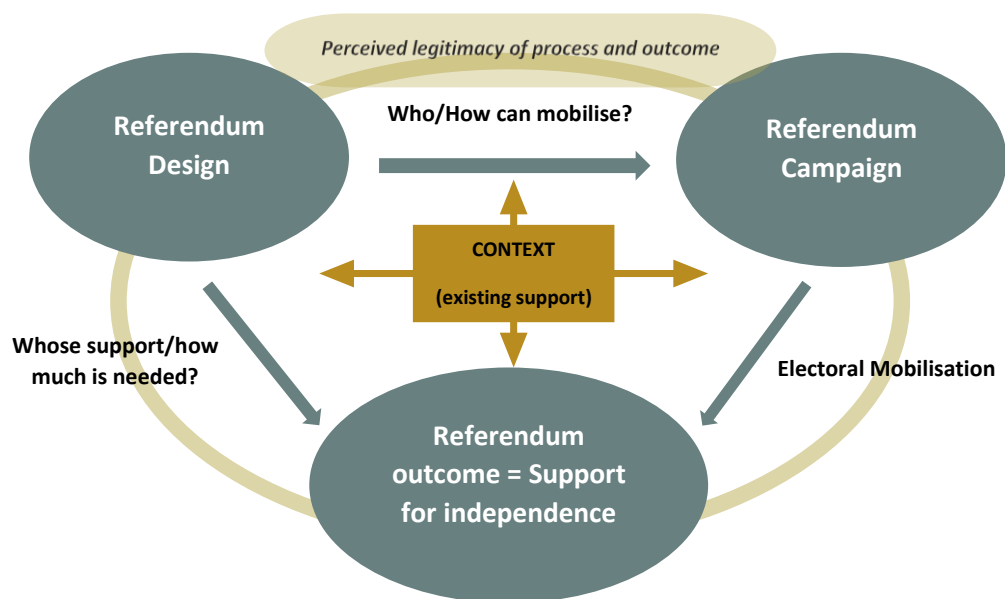
In an agreed independence referendum, the “will of the people” decides the secessionist

conditions to be fulfilled for the referendum to take place, such as the withdrawal of the Pakistani army followed by the Indian army (Chandhoke 2014b, 62).

outcome. Support for independence is therefore crucial in determining whether a new state will be created or the existing union with the host-state will endure (referred here as the status-quo). The question remains whether the referendum and its outcome are simply the reflection of existing support for independence. Does it only facilitate secession when support for independence among the consulted population is already high (mediating effect)? Or could the referendum impact the level of support, increasing or decreasing it from the moment it is called or the referendum campaign starts, therefore acting as a moderator on the likelihood of achieving independence?

I first consider *where* the presence of an independence referendum is most likely to make a difference to the level of support for secession, and in particular where this effect can, in turn, determine the secessionist outcome. Secondly, I focus on *how* the referendum can affect the voting result through the referendums' design and campaign (Figure II.2). At their core is the concept of support. In this thesis support is conceptualised in three ways: (1) whose support counts (and how much of it is needed), (2) actual support for the Yes or No option on independence, and (3) support for the referendum outcome in general articulated through satisfaction with the referendum process. A referendum offers strong procedural legitimacy to achieve independence; that is if the referendum procedure and outcome are perceived as legitimate and a "free and fair" process.

Figure II.2: Independence referendum process



Before considering the referendum design and campaign, I wish to discuss why

satisfaction with the referendum process is essential and should be considered throughout the study of plebiscites. As with elections, the referendum process needs to be seen as fair and legitimate to ensure the ‘loser’s consent’ (Nadeau and Blais 1993, 553; see also Anderson et al. 2005). Referendums are generally a zero-sum game.²⁹ The losing side, would it be pro or against independence, will by definition be dissatisfied with the referendum outcome. To ensure that they will not contest the result and the outcome will be respected by all sides, the perceived procedural fairness of the referendum process, that is that the process was open and equal, is crucial (Weatherford 1992, 150).

Concerns over procedural justice, but also the perceived legitimacy of the actors involved in the process (Hegtvedt and Johnson 2009), are important to ensure the referendum and its outcome are seen as binding (Hechter 2009, 284–85). While the host-state and independentist organisation remain the core actors to grant consent before and after the referendum, their supporters or opposition parties’ own assessment of the events can pressure them to endorse or refute the referendum outcome. Even when both official sides acknowledge the outcome, if part of the electorate does not believe the referendum process to have been fair, it damages to some extent the overall legitimacy of the result.

A free and fair process can be understood as a process which truly allows for the expression of “the will of the people” and both sides stand an equal chance if the median voter was completely undecided or unbiased. It is characterised by the fulfilment of certain criteria, or their absence, such as respecting spending rules or investigating the breach of such rules (van Ham 2015, 716). Electoral integrity, defined as broad guidelines and norms found in international commitments, protocols and guidelines (e.g. OSCE) about what constitute good electoral practices for a free and fair process (Norris 2014, 9) have been operationalised differently and are, beyond such basic guidelines, context-specific. They generally include checks and balances on the legal framework, electoral management bodies, voters’ registration process, the campaign and voting process, such as campaign finances or easy access to polling stations, media coverage, or how the votes are counted (Bishop and Hoeffler 2016, 609; van Ham 2015).

The legitimacy of the process and acceptance of the outcome by all actors involved is important for the post-referendum stability and to put an end to the ‘peaceful civil war’ it might have generated (Chambers 2001, 247). It also affects further political behaviour, the likelihood of witnessing conflict following an election or plebiscite, and the overall regime stability (Norris 2014). In an unstable situation, referendums like elections can

²⁹ Possible concessions made by the central government on further power for the region or recognition of a special status might mitigate the ‘winner’ takes all outcome in the case of a No victory.

create a particular competitive context which offers new incentives and opportunities for violence, which can be mitigated by system design and fighting impunity (Höglund 2009). The perceived legitimacy of the process and electoral integrity is also believed to be positively related to turnout (Birch 2010), further strengthening the legitimacy of the outcome. This further supports the assumption formulated in chapter I about the legitimisation role of independence referendums.

II.3.a. Where can a referendum affect support for secession?

In an agreed independence referendum, the referendum campaign, in particular, can affect actual support for independence by mobilising voters in favour or against separation. Previous scholars have demonstrated that campaigns do matter and can have an important educational role (Freedman, Franz, and Goldstein 2004; Biggers 2012). They can incentivise or hinder turnout (Nai 2013; Leininger, Rudolph, and Zittlau 2016), and ultimately determine how people vote (Hobolt and Brouard 2010). There are limitations however to how much a campaign can achieve in mobilising the electorate to vote a certain way. LeDuc's (2003) study of 23 referendums in 14 countries found that, while referendum campaigns can be very volatile, when the referendum question touches on a sensitive and salient issue, such as the one of separation, opinions on the matter are already likely to be well formed, leaving little room for political actors to convince individuals to vote the other way.

This can be mitigated however by how acquainted with the presented propositions the public is prior to the referendum campaign (LeDuc and Pammett 1995; Lachapelle 1998; LeDuc 2002a/b; 2007). How strongly people hold their view on independence prior to the referendum will also play in the balance. Extreme polarisation among the electorate, where attitudes toward the question of independence are starkly divided along partisan-lines or firmly held along a Yes/No divide, would limit the ability of either side of the campaign to gain votes in favour of their preferred option. Voting predispositions will again depend on the issue at hand and the general context of the plebiscite (LeDuc 2002a, 712; Farrell and Schmitt-Beck 2003, 138; Holbrook 1996).

HSup.1: the more familiar and polarised the electorate is with the debate around independence prior to the referendum being called, the less volatile it will be, limiting the ability of the independence referendum to affect the likelihood of secession occurring.

Furthermore, scholars who studied referendum campaigns found the status-quo option in the referendum to be at an advantage (e.g. Cronin 1989; Margolis and Mauser 1989;

Neijens and Praag 2006). Yet, comparative studies have shown that ‘while there is a tendency for the No side to win more support in referendum campaigns, there is no universal law that suggests that it is easier to defeat a referendum than to win one’ (LeDuc 2003, 152). This status-quo bias is primarily attributed to the risk-adverse nature of the electorate (e.g. Nadeau, Martin, and Blais 1999; Hobolt 2006, 627; Liñeira, Henderson, and Delaney 2017).

Independence referendums, according to Verge and colleagues (2015, 516), provide an excellent opportunity to study the relationship between uncertainty and risk-taking given the very complex issue the creation of a new state entails. Referendum campaigns on independence are also much less likely to be low-salient, low-information events that characterise other types of referendums (Liñeira, Henderson, and Delaney 2017, 167). Under such circumstances, LeDuc notes, ‘the outcome of the contest becomes highly unpredictable’ (2002, 713). Moreover, we may question the No side advantage as it is very likely to be dependent on context, and most studies on electoral behaviour or campaigning in referendums have focused on western democracies.³⁰

Staying in a union with the existing host-state may be perceived as more of a risk for a group victim of violence or political discrimination. In such circumstances, we may expect support for independence to be already very high in the contested region. When support for separation stands at 70, 80 percent or above, the referendum campaign, while it may still slightly decrease or increase support for independence, is unlikely to be able to bring support for the continuation of the union above 50 percent. Secessionist actors can then confidently call an independence referendum, even if they have to concede to a more heterogeneous eligible electorate or a special quorum to validate the referendum outcome (see below). On the other hand, the host-state might be less inclined to concede to a referendum taking place since it is almost certain to lose it.

Based on the previous studies mentioned above on electoral volatility in referendums, I believe that the two campaigning sides³¹ would realistically hope to gain a maximum of 15 to 20 percentage points during the referendum process.³² This range is also informed by the most data-rich case of Quebec (c.f. chapter VII). This is somewhat of an arbitrary

³⁰ Works that have considered plebiscites outside Western democracies remain broad and normative in nature, or focus on procedures rather than the electorate or the campaign itself (e.g. Farrell and Schmitt-Beck 2003; Hwang 2006; Kersting 2009; Norris 2014). Partial exception are Mendelsohn and Cutler (2000) and Beigbeder (1994).

³¹ The Yes and No vote meaning may be switched in the referendum question. Throughout this thesis the “Yes” vote always refers to endorsing independence unless stated otherwise.

³² I assume a fairly homogenous regional population here, although who the electorate is can in turn considerably affect the level of support for secession (see below).

measure and highly dependent on the context prior to the referendum being held. Initial support for independence will need to stand between 30 to 70 percent of the electorate for the referendum process to stand a chance of moderating the relationship between the presence of secessionist movements and state-creation through electoral support. This range will in turn also be moderated by the level of familiarity with the independence debate and to what extent existing preferences are entrenched within the electorate (number of undecided or hesitant voters) (*HSup.1* above).

Even if the referendum campaign does not mobilise a majority of voters to cast a ballot in favour or against independence, it can still increase support for independence, or reduce it, and therefore affect the likelihood of secession in the future. Unfortunately, data on how public opinion stood on the question of secession prior to the referendum being called is hard to come by and these hypotheses cannot be tested quantitatively (c.f. methodology). Nonetheless, initial support for independence is context-dependent, with certain factors discussed above such as cultural distinctiveness of the region's economic situation determining why and how many citizens support staying within the existing state or separating from it. Looking at the contextual settings of states, regions and populations which have held an independence referendum and the level of support for independence expressed during the referendum can still give a clue as to where the referendum might have had a mediating or moderating effect.

II.3.b. Support for independence: context and salience

Before going into further details on how the referendum process can affect support for independence, it is important to explain what constitutes and determines *support*. As discussed in the previous chapter, theories on nationalism can help understand the presence of sub-nationalism and secessionism. They account for how elites, as nationalist entrepreneurs, can construct - whether for personal gains or genuine belief in the nationalist cause - a sub-nation out of pre-existing population characteristics or history. Yet, they are insufficient to explain why the proposed distinct identity is salient within individuals and, more importantly, why it requires self-determination through the creation of a nation state.

The contextual setting is crucial to answering this question. The current state needs to be perceived to fail in some ways aspirations and needs related to a distinct collectivity. This distinct collectivity becomes a specific group or political cleavage around identity who are said to have specific concerns and objectives. Within them, individual voters have more refined preoccupations and interests. "National", "ethnic" and "political" forms of

mobilisation are often considered in isolation in the literature (e.g. Levinger and Lytle 2001; Hooghe 2005; Beissinger 2002; Kriesi 2008; Strijbis and Kotnarowski 2013). The nature of independence referendums brings them together as an intersecting social movement and political issue. Social movements are a ‘vehicle for articulating and pressing a collectivity’s interests and claims’ (Snow, Soule, and Kriesi 2008, 3). In the specific cases of secessionist or nationalist movements, such claims are linked to a specific territory and the need for new sovereignty rights (Rokkan et al. 1999; Tilly 1978).

Human needs theories propose that all humans have certain basic universal needs and, when not met, lead to conflict (Danesh 2011). Individual security and survival would be the primary concern and the first thing that would need to be addressed (Maslow 1943; Marker 2003). Once such basic need is met (the “bottom” of the pyramid of needs), other issues such as economic opportunities or political expression become a concern. Such needs go further than biological needs and are about one’s identity, recognition, or self-expression as an individual or group (Rothman 1997; Deci and Ryan 2000). Furthermore, it has been argued that the lower the need in this pyramid, the more powerful its effect on incentivising human beings to act (Maslow 1943; Burton 1997). The literature on secessionism has often directly or indirectly touched upon such concerns. From “grievance” to “greed” theories, secessionist motivation has been seen as an individual’s pursuit of private interests, whether basic human needs or economic gains (e.g. Gurr 1970; Hechter 1992).

The core premise of this thesis is that people will decide on whether to support secession on the status-quo based on a cost/benefits calculation of what they value most, accounting for this hierarchy of needs. Rational-choice theory can help to conceptualise and operationalise the link between contextual factors, real or perceived needs, and decision-making in the context of secession. Rational choice is not reduced here to personal economic interest, although studies have shown that it is a major consideration when assessing secession in some independentist movements such as Scotland or Catalonia (e.g. Howe 1998; Curtice 2013; Guntermann 2012; Muñoz and Tormos 2015). Furthermore, rationality is expected to be ‘bounded’ (Simon 1982), meaning that based on human cognitive constraints, individuals do not necessarily choose the optimum option because their ability to process every possible scenario or outcome is limited (Ostrom 1998, 9). This is particularly true when it comes to independence and what may happen following a Yes victory.

The context within which individuals operate determines what they value and may wish to pursue through concrete lived experiences, but also how the contextual situation around

them is perceived. Notably, how they stand as individuals or a group relative to others contributes to mobilising people to act and protest their condition according to social movement theories (Guimond and Dube-Simard 1983, 536; Tarrow 1998; Tilly 1978). Through shaping the understanding of this context, a process known as “framing”, individuals can also be encouraged to support independence when they previously did not. Existing support for independence prior to the referendum being called will therefore also depend on how successful secessionist actors have been in their initial mobilisation effort. I will elaborate on this below when reviewing the referendum campaign and how it can provide a platform to further increase or decrease support for secession and the likelihood of secession occurring.

Finally, emotions can play an important role in incentivising one to act and influence decision-making, which, as Kaufman argues, should not necessarily be seen in opposition to rationality (1999, 135). Social and psychological studies have shown that for people to “care” about issues some emotional involvement is needed (e.g. Kuklinski 2001; Groenendyk 2011; Huddy, Mason, and Aarøe 2015). This is why identity has generally been considered a strong predictor of support for independence due to its emotional appeal (e.g. Connor 1994, 38; Smith 2013, 72–75). This identity and its place within the existing host-state can also be what is sought after, such as the protection or recognition of the group’s distinctiveness and status. Social psychology has demonstrated the importance of group-based collective identity as being more than people who share common characteristics and experiences, but also actively engage with the ‘image of what the group stands for and how it wishes to be viewed by others’ (Brewer 2001, 119).

Yet, identity should not be confused with identification and how it potentially affects one’s decision-making process on a specific issue. Moore views national identities as ‘the product of broad social and economic changes that render these social categories as both politically important, and ones with which people identify’ (2001, 12). Identification, in turn, can serve as a lens through which individuals interpret the social world (Simon and Klandermans 2001, 321; Brubaker 2004; Hale 2008, 33). Hale, building on psychology, conceptualises identification as an ‘uncertainty-reducing device’, especially when it comes to economic matters, that helps one evaluate the context around him or her and make a decision on how to act (2008, 140–41).³³ Whilst a very useful way to think about the role of identity in explaining the relationship between secessionism and individual and

³³ Jupille and Leblang (2007) for instance found that even when it comes to monetary issues such as whether to adopt the Euro, identity can play a role in an elector’s assessment of its desirability.

collective action, one should be careful to systematically attribute someone's behaviour to his or her sense of identity.

Identity can be an important factor in mobilising voters to support independence and take action to achieve it, but I believe it is rarely a sufficient element, nor sometimes is it essential. Individuals may endorse or reject independence purely for economic or ideological concerns, without identity playing a part in the assessment of the situation and potential outcome. Nonetheless, a regional group with a strong sense of identity is easier to mobilise collectively as discussed above (Brancati 2008, 33). Accordingly, support is likely to be higher in regions which have a distinct language and/or religion from the rest of the host-state population than if they share both.

This does not mean that support for secession will be very high among the individuals said to belong to this specific national construct; especially if the region is itself heterogeneous (see below). Accordingly, I do not expect identity by itself to determine whether support for independence is very high prior to an independence referendum being called such that the referendum process is unlikely to reverse the trend. Nonetheless, certain contexts are more likely to strengthen the importance of ethnicity as the only relevant political identity and how it relates to other economic, political or societal considerations (Gagnon 1994, 132).

Following this proposition, violence, as discussed above, can be closely linked to identity as a re-enforcing mechanism, furthering the divide between a distinct cultural group and the rest of the host-state population (Kaufman 2006; Cederman et al. 2015). If individuals feel their very existence is threatened, support for independence should be high. While the presence of violence was hypothesised to make the presence of an independence referendum less likely for capability reasons (*HRef.3*), if a referendum is held, it is expected that support will likely be high, and the referendum process is unlikely to substantially affect existing support for secession, and especially the secessionist outcome.

Likewise, I expect that a population that lacks political access and representation, notably to self-determine through either devolution, federalism or the ability to have representatives in power at the regional or national level, will be more likely to support statehood. Even if, paradoxically, the presence of these institutions can potentially make mobilisation for secession easier (Hechter 2000; Brancati 2006; Roeder 2007), and the presence of an independence referendum more likely (*HRef.7* and *HRef.8*).

HSup.2: Support for independence will be higher among an electorate which has experienced violent conflict and/or lacks access to political representation. In this context,

the referendum will act a mediator, facilitating secession, but not a moderator and substantially affect existing support for secession and the likelihood of seceding.

When it comes to the other societal, political and economic factors identified earlier to be associated with increased or decreased support for secession, assessing their effect on support is more challenging. Experience of violence and lack of political access are two elements where “absolute” gains can be made: survival (of individuals or the group as a distinct cultural body), and ability to govern oneself. Whether someone would trade off possible economic gains under independence for an emotional attachment to the host-state or political representation within a stable host-state government even if in a minority position within it, is much more difficult to assess. Similar to the reasons behind the calling for a referendum, and for the opposite side to agree to one, such factors are likely to be context-dependent, cumulative and weighed against one another.

A democratic, stable, long-standing economically developed host-state which allows for autonomy should have an electorate less inclined to support independence and take the risk of independence.³⁴ Yet, even in such contexts, secessionist movements can endure and find sufficient support to be in a position to call for an independence referendum threatening the integrity of the existing state (Lecours 2012), and even nearing a majority support, as in Quebec in 1995. Surveys have shown that in such contexts, economic evaluations are important (e.g. Blais, Martin, and Nadeau 1998; Howe 1998; Guntermann 2012; Richez and Bodet 2012; Curtice 2013; Jolly 2014; Muñoz and Tormos 2015). This further shows the importance of mobilisation and how the context can be *framed* in a way that increases (or decreases) support for secession. Finally, low or high support for secession in the electorate can be particularly difficult to capture when it may remain unclear who are the people whose support matters. Before engaging with how the referendum campaign can play a crucial role in increasing or decreasing the likelihood of secession by mobilising the “people”, we need to consider who the people are.

II.3.c. Referendum design

The referendum design is crucial as it sets whose support is needed, how much of it is required (turnout and endorsement), and by whom and how this support can be mobilised in favour or against independence in the referendum campaign (Figure II.1). Accordingly, who has control in crafting the referendum design can potentially have a lot of power over the referendum outcome. Where no constitutional provision exists on referendums or the

³⁴ See for example Dion's (1996) argument on why secession is difficult in well-established democracies.

modalities remains vague, the secessionist actors may be in a position to design the referendum on their own or have to work with either the internal opposition or host-state government to shape the procedure. The opposition will likely wish to add constraints in the referendum process to make secession through these means more difficult to achieve. The first thing to determine is the electorate and what constitutes a binding majority.

The electorate

The first important question is who are the people who are to exercise their sovereignty and decide on how the latter should be exercised? Who among the host-state leaders or the regionalists' secessionist leaders gets to decide who votes can have considerable weight on the voting outcome. Both sides will want to maximise their support base. Furthermore, electoral boundaries in an independence referendum have important symbolic and empirical consequences in regard to identity and the outcome. How the population is defined and bounded is crucial in defining the future demos and its identity, from cultural markers to residency or citizenship. Each approach presents potential controversies and may have lasting consequences on the future definition of the collective "we". The idea of the people is generally employed to emanate legitimacy, solidarity and emancipation as discussed in the previous chapter, but when operationalised, it can become a negative tool of categorisation and suppression (Badiou et al. 2016).

The question of franchise is particularly interesting as it touches upon the definition of the nation, what is it based on, and how, in turn, the electorate matches this conceptualisation. This is not something that needed to be raised in the standard literature on referendums as their subject does not involve a definition of the demos beyond the usual electorate.³⁵ We would expect the secessionist side would want to exclude the host-state electorate as they are likely to be opposed to the dismantlement of the state.³⁶ Their exclusion can be justified by the fact that they are not part of the "nation" to decide on whether it needs its own state. Yet, they are also potentially affected by the referendum outcome and their exclusion can be contested (Goodhard 1981, 141). How the people are "framed" - and I would add, negotiated - results in both a territorial demarcation and franchise rule (Tierney 2012, 59). The boundaries of the sub-national identity that is claimed by secessionists may not follow the heterogeneous demographic borders of the targeted "nation-state". The eligible electorate can, therefore, be more or less favourable to one side of the referendum

³⁵ Sovereignty referendums such as the Charlottetown Accord in Canada were held within provinces simultaneously. Similarly, Northern Ireland voted on the Belfast agreement while a constitutional referendum touching on the matter was also held in Ireland.

³⁶ The 1962 referendum on Algerian independence which was simultaneously held on the French territory and in the colony is the only exception identified.

debate.

How eligibility is determined and who is included can also impact the perceived legitimacy of the referendum outcome. Excluding certain groups means that they may not feel bound to the plebiscite's result and therefore threaten its efficacy in answering whether independence is to take place, or the future legitimacy of the new-state (e.g. first nation in Quebec – chapter V). While some referendums follow citizenship and residency rules matching the standard voting body in elections (e.g. Quebec), others focus on residency (e.g. Scotland), or ancestry (South Sudan).³⁷ In the case of displaced populations or recent settlements by a host-state population, the electorate can become even more contentious. In Western Sahara, disputes with Morocco over the eligible electorate have been a major impediment in implementing the independence referendum requested by the UN since 1973 (UN General Assembly 1974; Jensen 2005).

It is likely that none of this translation of a nation or people into an electorate will satisfy everyone. Following existing procedures, however, such as the eligible electorate in elections, may help avoid too much controversy and strengthen the legitimacy of the process as existing (legal) instructions are followed and match the existing sub-national demos. Even then, independence referendums have been criticised because the majority-rule is bound to override minorities' wishes (Bowler and Todd 2001). For instance, some minorities within the USSR seceding republics rebelled against their independence process, leading to violent confrontations in Chechnya and Nagorno-Karabakh among others (Tierney 2012, 72).

Minorities within the claimed territory can be a challenge for separatist movements if they do not favour independence. Firstly, they can boycott the referendum, weakening its legitimacy in representing the “voice of the people” – as they challenge both the definition of nationhood and the existence of a new state. Participating in the referendum would mean giving ‘legitimacy to what they see as an objectable process’ (Anderson et al. 2005, 6). Secondly, if special quorums are in place requiring a specific turnout figure or level of endorsement for independence, they can make it much more difficult for the secessionist to meet the criteria if they constitute an important fraction of the population (see below).

The condition within which people can register to vote, or cast their vote can also affect the outcome; the registration procedure can be made difficult for certain groups.

³⁷ To be eligible to vote in the independence referendum one had to be born to parents – both or either – who belonged to an indigenous community residing in Southern Sudan before January 1956, or whose ancestry is “traceable” (‘Southern Sudan Referendum Act 2009’ 2010 Art. 25). This criterion remains ambiguous since what constitutes an indigenous community was never defined and did not take into account nomadic populations (Şen 2015, 239).

Furthermore, people need to be able to vote without fear of reprisal or concern for their physical security. This was a major concern in East-Timor where the UN and the Security Council established the United Nations Mission in East Timor (UNAMET) to ensure ‘a secure environment devoid of violence or other forms of intimidation’ (Şen 2015, 102). Other procedures can be put in place to encourage turnout and make it less risky or time-costly for voters to participate such as voting by mail, which was found to increase turnout while also producing a slight change in the mix of participants (Donovan, Tolbert, and Smith 2009, 18).

Turnout and Quorums

Once the eligible electorate has been identified, rests the question of how many voters need to cast a ballot for the referendum proposal to be recognised, and how many of them need to have endorsed the proposed change. Voting rules are important as they create incentives for strategic abstention.³⁸ They also directly affect the legitimacy of the outcome. It demonstrates that this indeed was what a majority of people support and that the vast majority of the “people” did express themselves, leaving less room for ambiguity and contestation. While the winning side of the referendum may wish to see a high turnout to complement getting a majority of Yes or No votes, it is more important for the secessionists since the status-quo is generally the default option. Low turnout is less harmful to the opponents of independence who can also contest the outcome on the grounds that it is not truly representative of what – enough or most – people want.

Quorum requirements for turnout mean that the referendum will only be valid if a said percentage of the eligible electorate turns up to the polls. They are justified by a need to avoid distortions in outcome due to low turnout (LeDuc 2003, 172) and a safeguard against a minority of voters exploiting general apathy if the referendum does not gather much interest (Qvortrup 2005, 173). Quorum rules in referendums are relatively common in many established democracies (Aguiar-Conraria and Magalhães 2009, 544). While engagement with the referendum process is a legitimate concern, applying such quorums can be problematic in practice and alter the balance between supporters of the referendum proposal and its opponent.

Uleri (2002) considered the effect of participation (turnout) quorums in Italy and found it made abstention a purposeful act for those who oppose the referendum proposals.³⁹ The

³⁸ Hizen and Shinmyo’s (2010) study for example found that voters vote sincerely in equilibrium if there is no imposed threshold or very low. Voters who favour the status quo however may abstain from voting if there is a high threshold.

³⁹ See also Côte-Real and Pereira (2004) for a cross-national study.

European Commission is wary of their use and stated in its ‘Code of Good Practice on Referendums’ that it takes a minority to ‘desert the ballot box in order to impose their viewpoint’ (Aguiar-Conraria and Magalhães 2010, 544). Political parties and interest groups will also use this requirement to their favour by distorting the incentives to mobilise voters and secure the status-quo (Herrera and Mattozzi 2010). ‘As a result, the mere existence of a quorum requirement may suppress turnout’ and create a paradox where the threshold may have been met if it wasn’t required (Aguiar-Conraria and Magalhães 2010, 544). This negative effect seems to apply primarily if the opinion surveys prior to the referendum showed the Yes side winning (Aguiar-Conraria and Magalhães 2010, 78). To remain “fair”, Zwart suggests that ‘when insufficient information makes the optimal quorum unknown, it is, in general, more harmful to set the quorum too high than too low’ (2009, 675).

HSup3: the presence of a quorum on turnout can invalidate the expressed support for independence and make it more difficult to achieve secession.

Yet, existing research has shown that sovereignty referendums and independence referendums, in particular, tend to enjoy very high levels of turnout whether participations quorums are in place or not (He 2002; Germann and Mendez 2014).⁴⁰ Quorums on turnout might therefore not be as much of a concern as the need for a special majority.

Endorsement or approval quorums require that a simple majority votes in favour of the referendum proposal, or that such majority represents a certain percentage of the total electorate. Again, this rule reflects a concern for the legitimacy of the outcome (Altman 2013). Secessionist leaders will prefer a strong support for independence to be reflected in the referendum as it gives them legitimacy; not only to secede but also a robust start for the new state and government. Yet, it makes secession more difficult than a traditional requirement of a majority of 50 plus one. Herrera and Mattozzi (2010) reached a similar conclusion when it comes to approval quorums as participations quorums and found that both are at risk of manipulation and boycott where a minority can decide for the majority.

Indeed, a qualified majority requirement can favour the status-quo if any sufficiently large minority exists (Barry 1965, 315). This is important in independence referendums where the population might not be homogenous in ethnic terms. Using data from all national referendums held within the European Union member states since 1970 Aguiar-Conraria and Magalhães (2009, 79) found that ‘under referendum systems that include only an

⁴⁰ When examining all possible types of referendum however this rule is breached. Butler and Ranney (1994) found that turnout averaged 15 percentage points lower than that found in general elections in the same countries.

approval quorum or no quorum at all, voting for one of the options can only increase that option's chance of victory, never decrease it', while this is not true for turnout quorum as we have seen.

HSup4: The presence of endorsement quorum will make it more difficult to achieve a qualifying majority support in favour of independence, and therefore secession.

Actors and Resources

The referendum design is also about who can campaign, and how, to mobilise voters. Actors and their resources are important for the effectiveness of the campaign and, once again, the perceived legitimacy of the process. de Vreese (2007, 7) identified the most important categories of actors involved in the referendum design and campaign as (a) the political elites, (b) civil society or specific interest organisations, (c) the media, and (d) the electorate. Furthermore, some can act as veto-players: actors whose agreement is necessary to change the status-quo (Tsebelis 2002; Hug and Tsebelis 2002). I have identified here the host-state government as the critical actor whose consent is necessary to change the status quo, but other actors can contribute to legitimise or delegitimise the process further. From a secessionist perspective as well, the legitimacy of this goal can be considered according to the legitimacy of the actor calling for independence, why they do so, and how (procedure), according to Baer (2000).

The context is likely to once again mitigate the perception of these actors and processes. In an older, established democracy citizens are more likely to be politically socialised and see the electoral procedures as being intrinsically fair (Blais, Gidengil, and Nevitte 2004), while patriotism or party loyalties may build a 'reservoir' of support for the outcome of what is to be a democratic process (Bowler et al. 2015, 1). International observers from international organisations or third states representing the international community can bring legitimacy by ensuring that international standards are met when they might otherwise be lacking (Norris 2014, 75–76).⁴¹ International monitoring of elections or referendums is a growing norm (Santa-Cruz 2013; Hyde 2017). It has increasingly come under criticism however, as it does not sufficiently take into account the undemocratic situation and bias prior to the elections or plebiscites (Geisler 1993; Hohe 2002). It was also found to increase the chances of boycott by political actors set to lose (Beaulieu and

⁴¹ These standards have been endorsed in a series of authoritative conventions and treaties by international organisations such as the UN General Assembly and member states of the organisation, or the Organisation for Security and Co-operation in Europe discussed when reviewing Montenegro (Norris, Frank, and Coma 2014, 790) .

Hyde 2009).

In addition to initial support for independence being biased toward one side, prior to the referendum being put in motion one side may already be in a better position to engage with the public during the official referendum campaign. This is especially true for the secessionist side which has the advantage in framing the debate on the question of independence (see below). The referendum design can, however, constrain the number of campaigning actors and their type, how much they can spend, and for how long.

Typically, a pro and against groups are formed to campaign in a referendum with a binary option (Wirth et al. 2010, 330–31). They are then restricted and monitored on how much money they can spend, how much airtime they get and what campaigning materials are used. This may mean that traditionally rival parties and organisations will need to work together (LeDuc 2000). This can pose a challenge for heterogeneous campaigning groups to find compromises on a campaign strategy when they have potentially very different political ideologies. Then again, numerous, diverse and competing parties coming together can also be a strength for the Yes or No side in strengthening and legitimising their message.

Campaign expenditures have been criticised if not properly regulated as going against a free and fair process and regulating the ballot box (Mastro, Costlow, and Sanchez 1980; Bowler and Donovan 2000; Johnson 2010). Typically, both sides will be allocated a certain sum by the regional or state government to campaign; however, they are likely to also be able to raise their own funds (possibly within a given limit). How much oversight and enforcement is possible, and whether breaches to the rules will be prosecuted will be important in ensuring that both sides have equal resources and only their arguments and how convincing they are, determines the votes. This will, in turn, ensure the legitimacy of the outcome and that the losing party will respect it.

Such checks and balances, however, are likely to only be applied to the official campaign period and biases may be pronounced prior to its official start. In addition to modern campaigning involving considerable amounts of money, a lot of manpower can be devoted to preparing and conducting it (Farrell and Schmitt-Beck 2003). One way to get around campaign expenses is to rely on volunteer campaigners. How much manpower the Yes and No side have to campaign on the ground, distributing leaflets and talking to voters, and organise rallies is important for mobilisation (Lynch 2015). This form of campaigning is also an indication of campaign intensity which contributes to higher turnout (Kriesi 2005, 116). On the other hand, intensive, negative and “bitter” campaigning may hamper the losing side’s ability to accept the outcome (Nadeau and Blais 1993, 556).

Finally, the media is an important intervening actor in the campaign as the primary relay of the Yes and No campaign and events leading up to the referendum. It also contributes to the framing process of the plebiscite on independence - or ongoing “strategic game” - by reporting events but also commenting on them more or less favourably (Aalberg, Strömbäck, and de Vreese 2012; Dekavalla 2016). The focus on the campaign as a strategic game also means a focus on drama, conflict and ultimately negativity. The personalisation of politics and focus on conflict may lead to increased polarisation or cynicism in the political process (Van Aelst, Sheafer, and Stanyer 2012; Vreese and Semetko 2002), threatening, in turn, the legitimacy of the democratic process and outcome (Cappella and Jamieson 1997, 238; Patterson 1993). Some scholars still believe that their effect is not that great (e.g. Newton 2006) and not all negative: the media can contribute to citizens’ knowledge of the issue at stake and engagement, with coverage of opinion polls stimulating attention and participation (e.g. Norris 2000).

The question

The last element of the referendum design that could increase the likelihood of secession occurring by rallying support for independence or the status-quo is the wording of the referendum question. Scholars have documented that the wording is an important factor in swaying voters in the desired direction (Yale and Durand 2011, 58). For instance, when asked “Should the United Kingdom come out of the Common Market?”, the British electorate favoured staying in the European Economic Community (EEC) at 55 percent. The percentage of surveyed voters who supported staying in raised to 63 percent when asked: “Should the United Kingdom stay in the Common Market?”. That is an 8 percentage point difference according to the question’s wording (Butler and Kitlinger 1976). A question on “independence” might be less sensitive to the wording than other topics if it is already a familiar and salient issue and its aim— state-creation — is clear.

The effect of the referendum question is closely related to the framing effect and the broader ‘framing’ strategy employed by actors in the campaign (Marsh 2007). I expect that manipulation of the question’s wording is more likely to occur in favour of the secessionist side and if the debate around independence is a fairly new phenomenon. The opposition and host-state will want a clear yes/no answer to the question of secession such as “Should X secede/separate from/become independent?”. On the other hand, the secessionists may want to soften their stance by mentioning a form of continued union, or even a second referendum to alleviate anxieties and mitigate uncertainties among the electorate. An unclear or complex question may, however, impact the legitimacy of the outcome as it might not be clear what people actually voted for.

In some referendums, the subject at hand can become a secondary issue, and the process a ‘second-order’ election whereby the endorsement of the proposal or its rejection is used to assess the popularity of the government in place (Garry, Marsh, and Sinnott 2005; Leininger, Rudolph, and Zittlau 2016). Given the importance and sensitivity of the question of independence, I believe it is very unlikely to happen in an independence referendum. Furthermore, voting on staying within the existing polity or creating a new one is in itself an indirect evolution of the current state of affairs and the national government in place. The referendum question and campaigning strategies, however, can still shape the understanding of the issue at hand.

II.3.d. Referendum campaign

The referendum campaign is the ultimate chance for pro-independence and pro-union actors to make their case and shape the referendum outcome to decide the fate of the existing state and its region. Political - electoral - campaigns have been extensively studied (e.g. Lazarsfeld, Berelson, and Gaudet 2005; Claassen 2011; Biggers 2012; Vowles 2013; Nadeau et al. 2008); and referendum campaigns, in particular, are starting to catch up (e.g. Holbrook 1996; Farrell, Farrell, and Schmitt-Beck 2003; Marsh 2007; Suiter and Reidy 2013; de Vreese and Semetko 2002; de Vreese 2007a). From these previous works, we know that campaigns are very important in mobilising voters and explaining the electoral or referendum result (e.g. Martin 2004; LeDuc 2007; de Vreese 2007b). The ability of either side to mobilize the electorate, as discussed above, will depend on existing levels of polarization and familiarity with the question of independence (*HSupI*).⁴²

Referendums campaigns, in a free and fair process, are all about persuasion. This operates through rhetoric and has three essential components following Aristotle’s mode of persuasion: Ethnos, Pathos, and Logos (Dillard and Pfau 2002). Ethnos refers to the messenger, and its credibility, authority and reliability in conveying the message. Pathos is about appealing to the public’s emotions and imagination, while Logos refers to the use of logic and rationality to convince. Together, they contribute to the framing of the context and why independence should be endorsed or not.

The referendum: a mobilisation and demobilisation platform for independence

⁴² Although this level of analysis is beyond what I can afford to cover in the thesis, it is worth pointing out that different types of voters are affected differently by the campaign (c.f. Nadeau et al. 2008), and even if the eligible electorate is the same as in elections, the one that actually participates in a referendum may be different (LeDuc 2007, 27).

The campaign offers a learning opportunity for voters to familiarise themselves further with the topic to be decided upon and make up their mind (Mendelsohn and Cutler 2000; Arceneaux 2006; Nadeau et al. 2008; Biggers 2012). The exposure to the debate offers a very visible and potentially far-reaching mobilisation platform for secessionists, creating a momentum and making secession the main issue on the agenda in a much more efficient way than what a normal election would allow for (centrifugal dynamics). In a standard election at the national or regional level, while independence might be on the agenda, parties opposing it may wish to focus the debate and frame core issues away from it. In an -agreed - independence referendum, it becomes inevitable.

The campaign, and the longer it runs for, increases voter learning opportunities (Stevenson and Vavreck 2000). The literature on the effect of the length of the campaign on the referendum outcome is scarce due to the difficulty in isolating its effect; but it seems it has, at best, a minimal effect in swaying voters (Panagopoulos 2013). Nonetheless, if the independentists are engaging in the referendum without a majority, they may, therefore, benefit from a longer campaign to make their case. They may prefer a shorter campaign if they already are winning in the polls so as not to allow the No side to dissuade voters to endorse separation.

HSup5: The longer the referendum campaign, the more opportunities offered to increase support for independence and the likelihood of achieving statehood.

However, in an agreed independence referendum, the No side also gets a chance to campaign for the status-quo, therefore potentially cancelling out the Yes side mobilisation effect (centripetal dynamics). That is not to say that a No campaign will always be present or significant. In the referendum held in Mongolia or Norway, campaigners to retain the union were virtually non-existent (Radchenko 1945). When a No side campaign is present, and run well, it might cancel out any efforts of the Yes side to mobilise support for independence. This renders the measurement of the persuasive effect of the campaign difficult (Sheafer 2005, 86). I would expect that the presence of a No side campaign can reduce support for secession, especially when the context is not extremely polarised and cancel the potential benefits of a long campaign for independentists.

HSup6: the presence of a No side campaign reduces support for independence.

Reduction of support for independence can also be achieved by making concessions to the regional population, such as further autonomy or investments, affecting the cost-benefit calculation of voters in weighted independence. The host-state government has an advantage over the secessionist regionalist actors since, as the current “ultimate” sovereignty of the state, it is in a better position to grant promises made during the

campaign. The independentists are in a more speculative position and cannot offer the same level of certainty. The participation of the central government, however, can be perceived positively or negatively by the electorate depending on whether its interference is seen as legitimate, along with voters predispositions towards message-senders (ethnos) who provide voting cues (Borges and Clarke 2008). The personality and charisma of the leaders on both sides of the debate have been found in some studies to have a significant effect on the efficacy of communication (Pammett and LeDuc 2001; De Vreese 2004; Mughan 2009). A magnetic and trustworthy leadership is not only important in making the message more convincing, it can be crucial in the perceived ability of the individual to deliver the promises or policies proposed during the campaign. Furthermore, cultural, intellectual and economic elites can give credibility to the message or help reach specific groups (e.g. Johnson and McIlwraith 1998; Whigham and May 2017).

To make their decisions, voters rely on what they know of the political parties and top personalities campaigning (Bowler and Donovan 2000). They typically consult campaign pamphlets, television advertising and direct mailings (Lupia and McCubbins 1998). The mass media (daily newspapers, TV, radio) are the primary relay of the campaigning camps' messages to the public (Bennett and Entman 2000; de Vreese and Semetko 2004). Different channels will reach different electoral profiles and it is, therefore, difficult to single out which channel might be most effective (Norris 2006). Furthermore, certain media are already known to be biased, which may in turn already be reflected in their readership's attitudes on the question of secession.

Nonetheless, the direct or relayed messages are important to help voters form their choice and the way the media selects specific narratives or interprets them may offer an advantageous platform to one of the campaigning sides (Jenkins and Mendelsohn 2001, 213), although it is something very difficult to measure or demonstrate (Livingstone 1996, 321). The coverage of a referendum will be focused on leadership, tactical motivations, and the race between the Yes and No vote around polls, and, more controversially, interpretation of leaders' declarations and arguments. Achieving a balanced coverage is more difficult in referendums than normal elections according to Jenkins and Mandelson (2001, 216–17), because more actors are involved, including the public itself, than individual candidates to be elected.

We may ask whether the electorate is sufficiently informed, and informed correctly and whether the options and consequences entailed are fully understood (Lupia and Johnston 2001). The campaign offers a space for debate that in itself can enhance the legitimacy of

the process and outcome (Stromer-Galley and Muhlberger 2009), although it does not guarantee a genuine deliberative process (Tierney 2012, 114).

National, Ethnic, and Electoral Mobilization

How specific groups are mobilised as one “nation”, is important to understand the political mobilisation strategies employed in independence referendums. The context does not only determine the emergence of secessionist movements and their likelihood of secession, it also dictates how secession is framed and how popular support can be gathered. I agree with scholars that ethnic mobilisation is not drastically different from other forms of mobilisation or contention, notably political mobilisation (E.g. Hooghe 2005, 977; McAdam, Tarrow, and Tilly 2001). Ethnic politics go further than just nationalism as it links pre-existing identities to material calculations (Hale 2008, 33). Using a rational-choice approach to individual decision-making discussed above links the context, its rhetorical framing by elites, and the “people’s” decision to support secession or the preservation of the host-state together.

The essential step of framing⁴³ enables elites to influence the understanding of the existing context to politicise collective identities by pointing out the shortcomings of the status-quo, but also how the host-state is ultimately unable to accommodate their needs and a new state is needed. In turn, they need to convince the members of the said nation to take action, from supporting a secessionist political party, participating in demonstrations, taking up arms against the host-state or, in our case, a comparatively low-cost action of casting a “yes” ballot in an independence referendum.

While framing theory is a constructivist micro-level approach to the study of secessionism and political movements, I believe it is useful in understanding how the individual level interacts with the macro-level of state-behaviour. Framing touches upon the idea of what a state is, what it stands for and the role of its inhabitants, leading to the collective action (and counter-reaction) generated by secessionist movements. Secessionist actors are “nationalist entrepreneurs” as they propose and frame a group as a nation, generally based on shared cultural markers such as language, religion, or territorial ancestry (c.f. previous chapter). This form of “ethnic” national mobilisation is more limited than its “civic” counterpart which proposes a broader understanding of the nation often based on residency and citizenship (Lecours 2000, 154–56; Brubaker 1992), offering by extension a broader electorate.

⁴³ I discuss the theory of framing as an analytical tool to link the contextual macro-level, and the individual micro-level in the methodology chapter.

Even when such distinct ethnic groups exist, identity markers need to be politicised and require seeing nationalism as a form of politics (Breuilly 1993, 1). The exertive literature on (election) campaigns demonstrate how the campaign serves to galvanize voters' fundamental predispositions and create an 'activation' effect where personal traits and preferences become a core driver in the voting decision process (Selb et al. 2009, 155). In particular, party affiliation is argued to serve as a short-cut in the decision-making process (Arceneaux 2006), or help guide political judgement on a specific issue (Holbrook 1996). Party affiliation can potentially be a reflection of one's position on independence, especially if one supports an outright separatist party. Even so, it does not mean that this electorate is necessarily secured. For some, opinions on sovereignty reflect a strongly held, fundamental belief in a nation or political identity, whilst others will consider the question from a cost/benefit approach about which output they value most (economic, cultural, social) and the ability of either option to deliver (LeDuc 2002a, 713).

The referendum campaign can make a difference by mobilizing so far uninterested, undecided or hesitant voters, or changing the mind of those that expressed a preference prior to the independence referendum being called. During the campaign, the electorate is exposed to how the proposed change in the referendum relates to their values and attitudes and which of the Yes or No answers best serves them (Selb et al. 2009, 158; Suiter and Reidy 2013). This is done through framing and rhetorical persuasion. The way a problem is expressed and formatted can have a powerful effect on the decision made to solve it – notably when employing a loss and gain frame (Dillard 2014). The campaign can also shape the understanding of the referendum question, and what is at stake.

Context Framing

Frames can be defined as 'schemata(s) of interpretation (...) to locate, perceive, identify, and label' a specific issue (Goffman 1974, 4:21). It consists of selecting 'some aspects of a perceived reality and making them more salient in a communicating context' (Entman 1993, 52). The theory rests on the assumption that an issue can be viewed from many possible perspectives. Accordingly, framing is the process through which a particular conceptualisation around an issue is developed (Matthes 2012, 252). An isolated argument is not a frame but falls within argumentative dimensions composing a framing process of the issue of secession, itself contributing to the formation of the overall rhetorical strategy.

Frames and counter-frames, which are not merely counter-arguments but alternative constructs of the same issues within the deliberative setting of the campaign, are created by elites and the media on both sides (Rhee 1997). Through analysing often-contradictory claims and justifications, the argumentative framework is made visible. Further, since a

referendum is based around a Yes/No – for/against outcome, the frames and arguments employed by both sides of the debate may claim the exact opposite through a different understanding of the situation in an attempt to counter the opponent’s argument and proposed frame.

I believe independence referendums fit generic frames (de Vreese, Semetko, and Jochen 2001, 108). Although they are “single-issues” referendums, the question of independence can be framed much more widely than a referendum on gay marriage or a specific constitutional reform such as changing the electoral system, for example. Secession touches on a multitude of topics from identity to the economy, specific societal policies or even foreign policy. But frames are not generated out of the blue. They rely primarily on the existing context and structure, and what can be drawn from it (Kriesi 2004, 72; Chong and Druckman 2007, 119). Actors instrumentalise discursively the context to highlight (real or perceived) problems with the status-quo and offer solutions through the creation of a new independent state, or demonstrate the value of the union and the undesirability of secession. An independence referendum should therefore never be fully disconnected from its contextual setting in order to understand how and why it came about, to what extent it can be a mobilisation platform – and how it can, in turn, affect the context, in real and perceived terms, and the witnessed outcome.

Conclusion

This chapter has brought together two strands of academic literature so far largely considered in isolation. The literature on nationalism and secessionism, and how context determines the capacity and incentives to secede was combined with the mobilisation potential of referendums, in order to assess how referendums on independence can affect secessionist dynamics. For an independence referendum to mediate or moderate the likelihood of secession, however, the process needs to be consented by the secessionist actors and host-state government. Furthermore, unilateral and agreed independence referendums might also have different origins. Nonetheless, in both cases existing support for independence is likely to be an important factor in the decision to call and hold a plebiscite.

In order to identify when and how an independence referendum can increase or decrease the likelihood of secession we need to address a problem of endogeneity where the contextual setting within which the secessionist movement operates might determine existing support for secession, the presence of an independence referendum, how likely it

is to be an agreed process, and its outcome making the isolation of the referendum effect challenging. Furthermore, based on existing knowledge of referendum campaigns, I have argued that, while the referendum process may still increase or decrease support for secession, support for separation needs to stand around 50 percent, +/- 20 percent for the plebiscite process to stand a chance of determining the secessionist outcome.

The design and referendum campaign is crucial in this context in increasing or decreasing one side of the debate's chances of success. Which of the secessionists or host-state proponents can shape whose support is needed, how much of it is needed and how it can be mobilised has a better chance of influencing the referendum, and secessionist, outcome. Support for independence among the electorate is the determining factor in secession. The campaign is therefore crucial to mobilise voters. By framing the context to their advantage and highlighting the cost and benefits of secession, proponents of secession and the status-quo try to convince voters to cast a Yes or No ballot. Satisfaction with the referendum process is also important for the outcome to be perceived as the "free and fair" expression of the "will of the people" by all actors concerned, from the population, political parties, host-state governments and international community.

The next chapter will review the method employed in the thesis to answer the research questions and test the hypotheses formulated here to guide the analysis on how independence referendums increase or decrease the likelihood of secession. Chapter IV will then test some of the assumptions uncovered here quantitatively, before turning to the comparative study of Quebec and Montenegro to further understand the role of independence referendums in secessionist dynamics.

CHAPTER III

Research Design and Operationalisation

Introduction

One of the challenges of the research question is isolating the impact of referendums on secessionist movements and distinguishing contextual effects that make referendums more likely from the potentially transformative effects of referendums themselves. This chapter details the methodology used to answer the research questions and materials analysed. To understand when independence referendums take place and what part they play within the broader secessionist dynamics that brought them forward, this thesis employs a multi-methodological approach. The rationale behind the use of a mixed-method of quantitative and qualitative sequential design is threefold.

Firstly, since we are dealing with an under-studied topic, a general overview of the phenomenon is needed in order to start explaining it. Moreover, using what we already know of secessionist movements and referendums, I can use a deductive approach to start tackling the research questions through a large-N review whilst still leaving enough space for an inductive approach to explore and better understand the phenomena (Blaikie 2000, 243–45). Secondly, the quantitative and qualitative approaches are complementary (Greene, Caracelli, and Graham 1989, 259). While the quantitative approach enables exploration, through a large-N review, of the effect of an independence referendum on the likelihood of secession and control for confounding factors, a qualitative approach goes more in-depth into the analysis and explores how independence referendums interact with secessionism using a more inductive approach. Thirdly, the quantitative analysis assisted the identification of the case studies for the qualitative analysis through the review of the population of interest characteristics.

The first quantitative step serves two purposes. First, as a primarily descriptive review, it helps situate the practice of independence referendums within the process of state creation and the specificities of regions having held one. The analysis also makes the distinction between agreed and unilateral referendums throughout to consider to what extent they differ at the macro-level. Secondly, it tests some of the assumptions uncovered in the literature covered in chapter I and II about the legality of secession, factors linking a

referendum being held, and secession occurring. Accordingly, this initial quantitative approach offers a first insight to answering the research question of when an independence referendum could make a difference. The quantitative analysis helps eliminate unsupported hypotheses and narrow down factors and cases to consider when turning to an in-depth analysis of independence referendums.

The qualitative analysis that follows studies in a comparative perspective two cases – Quebec and Montenegro – to further our understanding of the effect of independence referendums on the likelihood of secession. Key variables identified in the literature review on secessionism and referendums in chapter I and II are considered again within the case-studies to cross-examine the quantitative findings. Furthermore, the in-depth study of Quebec and Montenegro and their respective plebiscites brings a more nuanced and thorough answer to the research question, shedding light on the complex phenomena that surround referendums on independence which cannot be captured by a quantitative analysis; notably how complex factors such as societal, economic and political variables interact. Furthermore, as discussed in the previous chapter, I make use of different theories around secession and mobilisation at the macro (state or region-wide), meso (group), and micro (individual) level to guide the analysis and link the different levels and contexts such as framing theory and rational choice theory.

Hence, the mixed-method approach serves both as a two-step approach in tackling the research questions, and a triangulation purpose, giving a more detailed and balanced picture of the studied phenomena and increasing the accuracy of the findings (Ivankova, Creswell, and Stick 2006, 3). This approach is also supported by the existing literature on secessionism and direct democracy, which has frequently adopted both methods. (e.g. Collier and Hoeffler 2006; Sambanis and Milanovic 2011). Triangulation, used to strengthen the accuracy of the data and findings by considering different perspectives (Pierce 2008, 90), is also applied through the use of a variety of sources such as contemporary documents, reports and speeches, secondary academic sources, and fieldwork undertaken in Montenegro and Quebec. Given the sensitive topic of independence, it is essential to cover different perspectives (Yin 2003).

III.1. Quantitative Analysis

The first part of the analysis is a quantitative assessment of the effect of independence referendums on the likelihood of secession. Summary statistics produced by a quantitative overview will be valuable in themselves to identify the population of interest, its

characteristics and frequency in order to assess where it stands in the universe of secessionist movements and acts of secessionism (King, Keohane, and Verba 1994). The strength of a quantitative approach rests with the statistical analysis ability to identify correlations and control for key variables known to affect the likelihood of secession in order to isolate the possible effect of an independence referendum.

Logistic regression analysis, in particular, enables one to examine the impact of various factors on a dichotomous outcome. The model will test when referendums and secession are more likely to happen, controlling for factors shown in previous studies to affect the likelihood of secession (e.g. level of democracy of host-state, distinction of the regional population from host-state population). More importantly, a logistic regression analysis will enable the identification of key variables and correlations with the potential to make predictive claims in future situations.

Furthermore, the quantitative analysis output helped identify “typical cases” by looking at the smallest possible residual, meaning that what we observed is very close to what we would expect given our hypothesis or model. Conversely, cases that stand out are highlighted at one end or another of the hypotheses given a particular variable. Cases with a large error terms (residual) in the logistic analysis can bring an additional understanding of where independence referendums occur and their outcome. Outliers or deviant cases can be investigated further to understand why they do not fit a particular hypothesis that seems to hold for other cases and point to potentially omitted variables (Bennett and Elman 2006b, 262).

This study is the first broadly quantitative study of independence referendums and their interaction with secessionist outcomes. A new dataset using previous data available on variables known to affect the likelihood of secession and adding key variables of interests has been compiled for the purpose of the study. Since regions and their population are the core entities at stake in an independence referendum, and their characteristics are key to secessionist activity, all the variables are collected on a regional basis or in relation to the region’s status vis-à-vis the state.

III.1.a. The dataset

The dataset was built to enable comparison between secessionist movements which have held an independence referendum and those which have not in order to understand when such plebiscites occur and the role they played in the likelihood of secession taking place. The sampling method is first derived from Coggins’ dataset. This

dataset offers numerous advantages over other more famous datasets on separatism such as EPR or MAR. Secessionist movement are defined as a nationalist group aiming to separate from an internationally recognised host-state⁴⁴ in order to create a new independent state (Coggins 2011, 454). In addition to sharing this key definition, Coggins' dataset *Secession and great power recognition dataset version 2.0*. comprises more cases meeting this criterion than other largely used datasets in the field of territorial politics such as MAR or Soren's.⁴⁵

For instance, out of the 275 secessionist movements identified by Coggins from 1931 to 2000, 136 are not included in MAR. The time frame considered by Coggins was extended to 1900, enabling the inclusion of further cases such as Norway which seceded from Sweden in 1905, and Ireland from the United Kingdom in 1922. I also removed some borderline cases such as Monaco in 1993 which gained formal international recognition but without the event being a clear case of secession from France, and the Jura region of Switzerland which was not a clear case of secessionism but rather a movement to amend regional borders within the existing state (Buechi 2012).

The selection includes cases which have held referendums on independence but also samples from countries which have not, and accounts for regions which have seceded and others which have not, therefore serving as control variables and helping to identify potential biases. Together they form the universe of cases based on states and their regions hosting secessionist movements resumed in Table III.1.

Table III.1: Referendum on secession sample space

(DV/IV): INDEPENDENCE REFERENDUM	(DV): SECESSION
YES	NO
YES	YES
NO	NO
NO	YES

⁴⁴ This excluded the referendum in Republika Srpska of 1991, since Bosnia and Herzegovina was not recognised as a state at the time.

⁴⁵ I used the *Domestic Data* set focusing on secessionist regions as opposed to the *International Data* set which focused on home-states and great-powers relations (Coggins, 2011). The author also kindly agreed to share a former version of her dataset which included more variables on the secessionist group profile than the version available online and her PhD thesis detailing the operationalisation and data source (Coggins, 2009).

Because the broader aims of this thesis are to explore independence referendums' consequences and to offer a possible tool to deal with secessionist conflict, studying the entire universe of groups aspiring to statehood, along with what they claim as their territory, is ideal. Selecting all ethnic minority groups, such as those in the EPR or MAR datasets, would be inaccurate as not all minority groups within these two datasets seek a sovereign independent state. Some "regionalist" movements campaign instead for more local autonomy. Although this is also about bringing the principle of representative sovereignty closer to people, it does not call on the full capacities of an independent state and an equal footing in the international arena.

Furthermore, selecting minority groups within host-states does not mean that the former self-defined as a collective, or if they do, they may not attribute their identities any form of political salience. I wish here to maintain the 'possibility' principle, whereby all cases are comparable and, without considerations for their characteristics (key factors), would be assumed to have the same chances of witnessing a specific outcome (Mahoney and Goertz 2004). It would be very surprising to see a group offered an independence referendum if it never actually voiced any desire for it in the first place. Accordingly, the presence of secessionist movements seeking independence is a key criterion in the selection process.

Although more than one secessionist organisation can be present within a region, since the secessionist movements represent the same people and the same secessionist goal, and the study is primarily interested in whether the people they represent will want to secede from the host-state, it is not essential to make such distinction. The relationship we wish to assess is between the "centre" (the host-state) and "periphery" (region), while Coggins made such distinction as she is interested in which secessionist movements gain international recognition. The total number of cases was therefore reduced and amended from 256 to 224. The variables retained from Coggins' dataset were checked and corrected or updated to match the new time-frame ranging from 1905 to 2014. Secessionist movements that have now ended since the creation of the dataset were also re-coded (e.g. East Timor, South Sudan).

All cases share three criteria. Firstly, the group was considered to have, or be attempting to, secede by having formally declared independence or the wish to gain independence from the host-state. The attempt to secede is defined by Coggins as any of the following acts: (1) formal declaration of independence. (2) The start of violent conflict between a group within the region and the host-state with the stated demand for full sovereignty followed by a formal declaration of independence (retroactive coding). (3) Non-violent

actions such as the formation of an independentist party or peaceful public organisations or demonstrations making a formal declaration of independence.

Secondly, the group in question must make a claim to a specific territory and its population which is to form the newly independent state. This excludes so-called “pirate-states”, whereby there is a claim to a population but not a territory, and platform islands where the reverse holds with a claim to a territory but without a population. Thirdly, the secessionist movement must claim at least a 100 square kilometres under Coggins’ operationalisation, and the movement must have lasted a minimum of one week and involved at least 1,000 inhabitants. A small exception was made for St-Kitts and Nevis.

Coups-d’état and revolutions claim jurisdiction over the entire territory of the host-state and are also excluded. If a group does not declare independence but is granted independence unilaterally (e.g. South African Bantustans) they do not qualify as secessionist movements. Excluded as well are cases where the emergence of a new state was agreed by a colonial government prior to its declaration of independence. Colonies which unilaterally declared independence are considered a secessionist attempt and therefore included, although colonial cases will be dropped from more extensive analysis (see below).

Cases of irredentism whereby the secessionist group seeks to separate from their current host-state to join another pre-existing state are excluded (e.g. Turkish Cypriots). Coggins makes however also includes the secessionist movement if the state the irredentists hope to join does not make an equal and opposite claim to control the seceding population and territory. In such circumstances, it is often not clear what the ultimate status of the territory might be. While it is clear that the region in question rejects its union with its current host-state, it is likely to prefer independence to the current union, even if the ultimate goal may be to join an existing host-state. Crimea is an example. The possibility of joining an existing state can change the cost/benefit calculation of seceding since it is not solely about the region being able to perform as an independent country. I controlled for these cases using a dummy variable indicating irredentist tendencies which are run on all models to ensure it does not affect the overall findings. It was never found to be significant with the DVs of interest, nor affect the impact of other variables in multivariate models.

Secessionist movements represent only one aspect of the population of interest. Indeed, at the core of the thesis are independence referendums. Independence referendums are used both as a dependent variable when trying to understand where they are more likely to occur, and a key independent variable when trying to explain secession in the statistical analysis. I therefore partially select cases on the dependent variable as I add to the existing

sample all independence referendums identified (either to a case already on the list – e.g. Scotland, or adding a new case, e.g. Norway). This approach is not uncommon in international relations studies. It offers a more efficient strategy to collect data by ensuring its substantive content and enabling the research to have more sophisticated measure within fewer, but conceptually more relevant, observations (King and Zeng 2001b, 695). Furthermore, this approach helps alleviate the logistic regression small sample bias explained below.

III.1.b. Bivariate and logistic regression analysis

The first part of the large-N analysis presents descriptive statistics on secessionist movements, and independence referendums and contrasts their outcome using a series of bivariate tests. The profile of cases having held an independence referendum and its sub-type - either agreed or unilateral- is reviewed focusing on key regional, group and host-state factors. All tests are performed using the statistical software SPSS, with the exception of the Firth's Penalised Likelihood to predict agreed independence referendums where the command was run on R.

Although there are sufficient cases to conduct statistical analyses, we still face 'small N problems' (Gerring 2004). That is, 'many variables, a small number of cases' (Lijphart 1971). We can only control for so many variables affecting an outcome to compare and isolate the ones of interest. This empirical reality means that an extensive logistic regression analysis controlling for many intervening variables will not be possible (Greenland, Schwartzbaum, and Finkle 2000). I enter around ten explanatory variables depending on the sample size for the model run to predict referendums or secession to keep in line with the statistical rule of thumb of having 5 to 10 events per predictor (c.f. Vittinghoff and McCulloch 2007; and Courvoisier et al. 2011, 1000). An expectation is made with the linear regression on support for secession in independence referendums (n below 30) which is used for exploratory purposes.

A common problem in logistic regression is the biased estimate of odds ratios (ORs) in small sample sizes (fewer than two hundred observations), leading to a great chance of committing a type II error (King and Zeng 2001b, 693). It means that the model may underestimate the occurrence probabilities and biases the standard errors of the logit coefficients (King and Zeng 2001a, 146–47). To alleviate this shortcoming, the

confidence intervals and effect size should be considered as well, and avoid highly correlated predictors⁴⁶ into the logistic model (Courvoisier et al. 2011, 999).

This problem is particularly likely when trying to predict agreed independence referendums. Indeed, the bias found in the maximum likelihood estimation of the logits model in small-sample is aggravated by the number of cases in the less frequent of the two predicted categories, here, agreed independence referendum equals “1” as they are only 10 events (7% of the sample excluding colonies). To ensure that some variables are not detected to be predictors of agreed independence referendum because of this bias, I run a second test to correct for this possibility. Three alternatives exist: exact logistic regression, King and Zeng correction, and Firth’s PMLE. After careful reading of comparative studies of the three techniques (e.g. Heinze and Schemper 2002), I select the Firth’s PMLE as it performs best even in cases with a small sample and very few events.⁴⁷

When analysing continuous variables, as some are not normally distributed, either due to the nature of the variable or the small-N in the case of independence referendums, I systematically ran a Pearson’s *r* and non-parametric tests such as Spearman’s Rho for correlation, and Kruskal-Wallis to compare means as a robustness check. I only found the tests to vary on rare occasions, flagged in the chapter, which strengthens the reliability of the findings.

I also systematically ran sensitivity checks. All tests conducted are done once including all cases, and a second time excluding the repeated instances of independence referendums in Quebec (1980 and including 1995) and South Ossetia (1990 and excluding 2006). This controls for the repetition of the secessionist movement in the dataset and a possible path-dependency between the first and second independence referendum where the first referendum might have facilitated the holding of a second one and its outcome (witnessed Yes percentage votes in favour of secession). The exclusion of the second independence referendums never changes the results substantially. I also control for three important outliers by running every model including, and excluding, them from the sample to see if their presence substantially alters the results.

First, the unilateral referendum in Montenegro in 1992 which, once colonial cases are excluded, is the only independence referendum lead by a pro-unionist regional government. It was still retained as an independence referendum due to the context within

⁴⁶ This problem is particularly acute when USSR/SFRY cases are included in the model (c.f. next chapter).

⁴⁷ Exact logistic regression does not work with non-discrete covariates as it necessitates too much computing power, while the King and Zeng formula overcorrects for bias in small sample sizes (Leitgöb 2013).

which it was held. Whilst the referendum was originally called by the government in Belgrade to try to secure the union, only pro-Yugoslavia Montenegro held a plebiscite at the end. The Montenegrin secessionists at the time rejected the referendum as they did not trust the government to run a fair process. Following the ruling of the Badinter Commission covered in the next chapter, Montenegro clearly had a right to secede and the international community was ready to side with the independentists had they participated in the process and won a majority of the vote (c.f. Appendix C).

The referendum held in Catalonia in 2014 is also unclear due to its “consultative” nature. The Catalan government repeatedly declared its wish to secede and even passed a ‘Declaration of Sovereignty’ in 2013 stating that the people of Catalonia had a right to independence and to decide on it (Morató 2016). The Catalan government initially announced an independence referendum to decide on its status but amended this stance following the Spanish Government opposition (Jones 2017). After the Constitutional Court of Spain blocked the Catalan government’s attempt to hold an official referendum, it was postponed and rebranded as a ‘process of citizen participation’ (Kassam 2014). Given its overly “grey” nature it is therefore also included and then removed from the models as a sensitivity check. I discuss the case of Catalonia in the concluding chapter. While other independence referendums were officially labelled “consultative” or not “binding”, such as the one held in Lithuania or Scotland, they clearly were held to assert the will of the people as politically binding and determinant.

The Nagas referendum of May 1951 also stands apart as a ‘signature referendum’ held in the hills by the Nagas National Council which resembles more a petition (Chasie and Hazarika 2009, 4).⁴⁸ The lack of access by secessionist actors to institutions to hold a vote could explain this choice, along with the reality of the terrain making the organisation of a unilateral plebiscite challenging. This case is controlled for when not already excluded from the sample due to a lack of data (e.g. no turnout figure).

III.1.c. Limitations

The three examples of outliers identified above prior to any test being run show the difficulty, and room for interpretation, in the process of identifying independence referendums, and classifying them as agreed or unilateral processes. Being open about cases that may be excluded or included, offers the possibility of introducing or removing them from the analysis if an external observer may disagree with this classification. I believe my classification is more restrictive than previous scholars who employ a wider

⁴⁸ This case is also considered an independence referendum by Mendez and Germann (2016).

definition of independence referendums, therefore possibly excluding relevant cases – and restraining reliability – but ensures stronger content and external validity. Similarly, cases such as Crimea can be viewed from different perspectives – including its annexing by Russia. By checking for a possible “irredentist effect” I ensured that such cases did not substantially affect the results.

The difficulty of identifying consent - and therefore an agreed independence referendum - lies first with the ability of the host-state to oppose the referendums; e.g. the case of Iceland in 1944, or in the case of the USSR discussed in chapter IV which was an almost non-existing entity by the time the last independence referendums were held. Secondly, cases where the opposition within the region and host-state clearly engage with the process and campaign for a No vote, yet do not explicitly admit that a right to secede is present can also be problematic as “consent” remains limited (as in Quebec, c.f. chapter V). To operationalise the agreed category, priority was given to the actions undertaken by the host-states in legitimising the referendum process by either participating in negotiation over its conduct and/or actively taking part in the referendum campaign (no boycott). It, therefore, engaged with the pro-independence arguments and tried to convince the electorate to vote in favour of the continuation of the union, acknowledging secession as a possibility.

A small sample size is common when studying phenomenon at the international level (King and Zeng 2001b, 693).⁴⁹ While statistical tests can be performed on the average sample size of 120 to 90, it becomes a challenging endeavour when it comes to data availability for regional economic measures and multicollinearity. First, the time span considered (1905-2014) means that some data, especially at the regional-level or group-level has never been collected. Secondly, a lack of governmental transparency and missing or uncertain indicators for some key variables are a recurrent problem throughout this thesis when studying secessionist movements outside Western democratic countries. Often, the missing data create a clear bias in the sample with cases prior to 1980 and those in sub-Saharan and south-east Asian host-states being under-represented. By excluding certain variables which lead to a sample size below a 100 and running separate models with the problematic variables I ensure that they do not affect the overall conclusion of the study while also checking that the bias created is not the explanation for any possible effect generated by this variable (see next chapter).

⁴⁹ Using longitudinal data would have enabled consideration of long-term and dynamic effects of independence referendums on secession, however given data availability for the type of variable considered this was not feasible.

What is more, accurate measurements and conceptual validity of the dataset had to be assessed and traded with the need to gather data for all, or most, of the cases. Indeed, the same data source for any given variable should be used whenever possible as it ensures consistency and reliability. The dataset and measure will never be perfect, but for the purpose of this study, the priority was to ensure that the measures used are accurate enough to account for variances and differences between contexts so as to measure if and when variables matter (Hancké 2009). Furthermore, the electorate voting in the independence referendums does not necessarily match the population in the region or “group” tested. There should, however, be a strong overlap. When no clear administrative boundaries of the potential new-state were present, as for the Kurds in Turkey, the administrative regions claimed by the secessionists were added and averaged to give an indication of how the proposed independent state and its current inhabitants stand on societal, political and economic variables compared to the host-state.

Another limitation is inherent in the quantitative method itself. Statistics unravel correlations between variables, not causation. They tell us there is indeed some kind of relationship between two variables but they do not say much about the nature of this relationship. Indeed, secessionism and referendums are complex phenomena and not all of their empirical manifestations are measurable, leaving room for error or incomplete causal hypotheses. The good news is that most of the limitations uncovered here can be alleviated by the second methodological approach. Before turning to the qualitative case-studies, I first present the operationalisation of the key variables discussed in chapter I and II.

III.2. Operationalisation

Due to data availability, a time-series and nested analysis, which would provide a more accurate representation of what is being studied, had to be excluded. To test our hypotheses, the independent variables (e.g. GDP per capita, the level of democracy, regional population) are measured for the year of the referendum, or the closest available date. If no referendum was held but secession or partition took place, the year it occurred serves as a reference point. For regions where no referendum was held and no secession occurred, the variables were measured for the year 2008 as it offered the most consistent amount of data over the sample, in line with Coggins’ dataset ending in 2008, and thanks to most datasets used to abstract political and economic including this year.

When no data were available for the year of interest, the latest measure, plus or minus four years was used, ensuring first that no major events would substantially change the coding, such as an economic crisis, major political events, constitutional reforms, or displacement of populations occurring. While not ideal, the expansion to four years was needed to be able to cover cases prior to 1980s as there is limited data availability. In some instances, such as for Norway, manual coding for dummy variables was undertaken based on a more in-depth study of the case and respecting the existing operationalisation of the variables employed. Some measures were also selected or transformed to allow for comparison over time and space. Appendix A shows a list of all cases and Appendix B reviews the operationalisation and coding of all the variables in the dataset.

Cases

The dataset is constructed to reflect the relationship (“*name*”) between a region hosting a secessionist movement (“*regioactor*”), defined as a nationalist group wishing to separate from its current state (“*stateactor*”). If the group has irredentist tendencies, meaning that it may wish to join another pre-existing state, but such state did not make an equal and opposite claim on the secessionist region, I record it with a dummy variable (“*Irrend*”) to control for a possible effect. Some states have more than one secessionist movement (e.g. Burma-Shans, Burma-Karens), and some groups are present in more than one country (e.g. Iraq-Kurds, Turkey-Kurds). Both are coded as separate instances of secession. I also recorded colonial cases (“*colony*”) to distinguish between secession and decolonization.

Although the two concepts are related in many aspects and answer the definition of secession above, they differ in two important ways. First, colonialism was characterised by the devolution of authority from an imperial government to a territory but the latter is not directly integrated into the polity. It is a geographically separated territory from the central authority by sea (further than 100 miles of its shoreline) or with no continuous borders. Because of the special political and geographical relationship, we cannot really speak of “home” or “host” state since colonies were never fully integrated within the existing sovereign entity. Secondly, because of this history, the process of decolonization itself can be differentiated from other forms of secessionism in that it is not always clear which actors can be considered to have demanded self-rule.

It should also be pointed out that defining “independence” is not always an easy task. Some questions’ wording and campaigns rely on the idea that independence does not mean total separation and a form of “union” or “sovereignty-association” as portrayed in Quebec, is still possible. I consider such cases to be about independent –sovereign-

statehood. The aim of the secessionist is still to be recognized internationally as an independent country, and the union proposed, even if it entails a reduction in “sovereignty”, does not negate this; in the same way that the European Union does not negate the existence of France or Poland, or as “Brexit” in the UK has shown, bound its constituent entities. Such supra-national arrangement does blur the lines and seem(ed) to be decreasing the attractiveness of independent statehood, especially for already “partially-independent” entities (c.f. Rezvani 2014; see also Haas 1964; and MacCormick 1993).

Referendum

The dichotomous coding of whether a referendum was held or not (“*Refheld*”=1 or 0) was made possible using a strict definition of the type of referendum on secession dealt with. Three datasets were consulted to identify independence referendums. The International Institute for Democracy and Electoral Assistance (IDEA) has a database of “direct-democracy”, providing information on procedures, turnout, and outcomes. The SUDD Institute database and search engine for direct democracy include all referendums in independent states and autonomous regions since 1791. Finally, the Direct Democracy Database (C2D) developed by the Centre for Democratic Studies in Switzerland records popular votes held at the national, subnational and local level worldwide and offers a comprehensive list of independence referendums.

The referendum question might not be the best way to determine the nature of the referendum as it sometimes deviates from the term “independence” although it is ultimately what is at stake. For instance, in East Timor, the question put forward to its inhabitants was on whether they accepted to have more autonomy within Indonesia. By refusing to endorse this proposal, East Timorese gained independence (Martin 2001). A historical overview was conducted to unveil the developments preceding the referendums to ensure they fit the definition.

Unlike Mendez and Germann (2016), referendums to adopt a new constitution asserting a political and territorial entity’s independence, when secession has already been granted or asserted via a prior independence referendum (e.g. South Ossetia), are not recorded as independence referendums. Referendums on the status of Islands in the Americas, such as the five Puerto Rican status referendums are also not included for comparative purposes as achieving independence was not the primary intent of those calling the referendum and was offered as one option among others. Similarly, independence in small islands such as in the Caribbean Netherlands held in 2004 and 2005 in Bonaire, Saba and Saint Marteen

were also excluded from the analysis due to data availability and comparability.⁵⁰ Previous studies have shown a distinct trend among such cases of rejecting independence when offered via an independence referendum (Hepburn and Baldacchino 2016).⁵¹

An interpretative approach focusing particularly on secessionist actors and the central government's actions revealed when the referendum process was agreed by both the secessionist movement representatives and the host-state and therefore coded 1 on the "*Refagreed*" variable. The consultation of additional historical research also enabled the identification of "unilateral referendums" ("*Refheld*"=1 but "*Refagreed*"=0), whereby a referendum on independence took place but does not answer the criteria of interest. If the dominant organisation representing the group whose status is at stake in the independence referendum, boycotted the referendum then the latter is coded as a "unilateral referendum". The concerned parties are deemed to have rejected the legitimacy of the referendum.

In the same way that it is important to account for all possible types of secessionist movements and contexts in order to appreciate when an independence referendum can make a difference, consideration for different types of independence referendums permits a more extensive and rigorous analysis via comparison. The thesis focuses on consensual referendums over all types of independence referendums therefore limiting the number of possible variables affecting the secessionist outcome and generating a constant (Lijphart 1971). Indeed, as the definition of the type of secession and referendum is stretched the universe of cases and contexts becomes more dissimilar and less comparable (King, Keohane, and Verba 1994).

In addition, the percentages of "Yes" votes ("*Yes%*") and the turnout ("*Turnout*") percentages based on registered voters are recorded for both legitimate and illegitimate referendums.⁵² The C2D and SUDD databases were used to obtain such figures in a majority of cases along with Nohlen and Stöver's (2010) data handbook on elections in Europe for former units of the Soviet-Union. In some cases, UN or official figures were used. Based on the total registered electors I also calculated the actual Yes votes out of the total eligible electorate ("*Yeselect*") as a mean to control for turnout when analysing contextual factors linked to support for independence.

⁵⁰ Laponce (2010) also includes in the list of independence referendum French territories such as Saint-Pierre-et-Miquelon, not included in Germann and Mendez (2016).

⁵¹ The case of New-Caledonia is included however and it is somewhat of an outlier in the current sample, but is subsequently dropped when excluding colonial territories.

⁵² Turnout for Catalonia was calculated from reported averages and estimations in the press. No figure could be retrieved for Nagas.

The dataset also accounts for the presence of quorums. If the referendum included specific rules regarding turnout or approval rate, the variable *quorum* would take on the value of 1 if it had one or both requirements, and 0 if a simple majority in favour of secession with no other specific rules were found. This means that in certain cases we have a majority for the Yes (50 per cent plus one), yet no secession. “*Qtype*” records whether the quorum was about (1) turnout, or (2) endorsement, “*Qtresh*” records the percentage of the electorate required.

Since I also wish to study the effect of the referendum design, I also took into account the length of the campaign (“*lengthcamp*”). This variable proved difficult to operationalise given that the actual official referendum campaign is rarely the start of the mobilisation process by either side of the debate. Rather than the official referendum campaign dates, I used the date when the referendum was “officialised” until voting day, that is when the secessionist leaders passed the necessary legislations to kick start the referendum process. In the case of a unilateral referendum where this might not be feasible, the date when the holding of the referendum was clearly set out publicly by a formal declaration of intent is used. This measure I believe offers a more valid representation of how much time the campaigners had to really work towards mobilising the population; although the Yes side is likely to already have engaged in mobilising the population.

In addition, I also record when a No to independence campaign was present on the ground (“*Nocamp*”). This variable by definition is closely correlated with an agreed process since by definition in a unilateral referendum one of the two parties, usually, the side favouring the status-quo is absent. Yet not all agreed independence referendums had a clear No side mobilised and campaigning (e.g. Norway in 1905), so it is worth considering. This measure is not the most reliable however as it is based on readings of existing studies and reports of the referendum process. It is very subjective and there is a challenge in classifying official, registered No campaigns, and unofficial ad-hoc effort to mobilise in favour of the union.

After reading available accounts of the referendums I decided to code this according to whether a No side campaign was officially registered to campaign during the referendum process and campaign period. When no such information was made available, as for Mongolia in 1944, it had to be a judgement call based on existing knowledge. Since the referendum there was conducted while the “region” was de-facto independent from China but under the Soviet Union supervision, it is unlikely that a No to independence (remaining under the official Chinese sovereign state) was present to campaign in favour of the union.

To test one of the core arguments made in the thesis, namely that consent is more important than legality when it comes to independence referendums and secession, I reviewed the constitutions of all the cases having held independence referendums and coded 1 the cases which had an explicit right to secede, and 0 when the latter is forbidden or there was no mention of it “*Legal*”. This coding differs from Sorens (2012, 7) “semi-legal” secession which focused on the situation where the host-state government has officially stated that it will not militarily repress a peaceful secessionist movement. It was not possible to create a similar variable to consider whether the referendum itself could be held legally at the regional level prior to the referendum being called due to insufficient information in some cases. This aspect is considered however in the qualitative analysis of Quebec and Montenegro.

Outcome

The main outcome of interest is whether secession occurred (dummy “*secession*”), defined as the creation of a new independent sovereign state recognised by the international community as a peer. A region is coded as having successfully seceded from its host-state when all Great Powers at the time welcomed the new entity as a state by making an official statement through their foreign ministries and starting diplomatic relations with the country (C.f. Coggins 2006, 91).

Finally, I also record whether a secessionist movement has ended (dummy “*Endsec*”). That is, when one of the followings occurs: (a) the host-state-region relationship disappears because the former no longer exists (e.g. colonial power or Soviet Union)⁵³; (b) secessionist actors renounce the goal of independence or cease activity (e.g. because of military defeat) or agree to a settlement short of full independence implying it renounces its secessionist goal (the year of the agreement is the end date); And finally, (c) the host-state formally agrees to grant secession or a plebiscite to determine independence which leads to statehood. Coggins codes the year of independence as the year Great Powers recognised the state. I follow this same coding, except if an independence referendum took place where the year of its holding takes precedence over independence (e.g. East Timor 1999 referendum vs. full recognition achieved in 2002 after a UN-supervised transition period). If the popular vote rejects independence, no end date is assigned unless one of the events described above occurs.

⁵³ Successor states such as Russia (USSR) are not coded as having seceded but enter the dataset as a new host-state.

The year of independence mostly reflects the new country's entry into the COW dataset which uses the League of Nations or United Nations membership as an indicator of statehood (Correlates of War Project 2016). While a useful proxy, it may miss important cases in this study, as the year of the referendum and recognition of independence by the host-state and Great Power may not coincide with the year of accession to such organisations. Whether the referendum leads to secession is what matters, regardless of whether it took a few months or a year to fully become independent, as long as it was a result of the plebiscite. Chapter IV discusses the difficulty in assessing whether the referendum had something to do with the secessionist outcome in the case of the USSR and Yugoslavia.

Societal variables

To measure how the region's inhabitants' identity differs from the host-state's population, I use the "*distinct*" variable employed by Coggins (2011, 455) indicating the extent of linguistic or religious differences between the group and the host-state. If the two levels share a language family the case is coded 0, if different, then 1.⁵⁴ For religion, the state's majority religion is compared to the secessionists'.⁵⁵ If they share the same religion then the indicator is coded 0, and 1 if the majority of people in both units have a different religion. If given the value of 2, it means the region differs from the rest of the country along those two dimensions. Although ethnic identities may change over time, there is usually sufficient group cohesion for ethnic groups to be considered stable identity categories (Cederman, Gleditsch, and Buhaug 2013, 23).

This measure is not without drawbacks. First, it fails to capture how homogenous or heterogeneous the regional population actually is. A good example is Montenegro analysed further in the thesis. Only about 40 percent of the population identified as "Montenegrin" at the eve of the independence referendum in 2006. Yet, its inhabitants are all understood to be "Montenegrins" as a distinct group – if only because of their residence or country of birth – from Serbs living in Serbia. Accordingly, the variable "distinctiveness" is more a measure of the existing distinct trait that can be drawn upon to draw the "nation" – rendering mobilisation easier (c.f. previous chapter) - than what it is actually perceived to be based on. While Fearon (2003) offers measures of heterogeneity

⁵⁴ Language families were originally identified by using the Ethnologue database (Gordon 2005). If the majority population did not share a common language, the national language or language of government was used. The variable was carefully checked and corrected when necessary (e.g. Quebec not coded as having a distinct language).

⁵⁵ The five major world religions (Buddhism, Christianity, Hinduism, Islam and Judaism) were used, smaller distinction were then recorded between Sunni, Shia and Sufi Islam or Protestant, Catholic, Orthodox (Coggins 2011, 455).

at the national-level, it was not possible to retrieve a similar indicator that would cover a substantive amount of the sample. Secondly, physical markers or other cultural traits (e.g. customs) offering alternative distinctive markers are not captured. Thirdly, I was unable to construct a valid and reliable measure that would capture possible dual-identities and competing constructs of such identities. The qualitative analysis addresses this limitation.

As a partial alternative, and to capture further the possible relationship between the region and the host-state, I create a new variable “*lghtunion*” recording how many years the region in question has been integrated within the larger polity. The best approximation was used looking for treaties and decrees inaugurating a union or alteration of territorial sovereignty following military victories (e.g. Scotland-RUK 1707, Norway-Sweden 1814). The length of the union is not reported for cases coded as colonies as it is difficult to determine when the region was integrated into the empire and moreover it makes little sense in the conceptualization of “union” whereby it becomes a shared polity. However, if the newly-independent colony faces an internal secessionist movement, the year of independence is accounted as the start of the union. The length of the union is an important control as it might reflect the integration of the region and its population within the wider state beyond just knowing about the institutional arrangement between the two (e.g. power-sharing) which might be a recent occurrence.

As a societal measure for potential polarisation and secessionist capability, instances of violence between the host-state and the secessionist movement or regional population was recorded within living memory of the population, operationalised here as 70 years.⁵⁶ The variable “*Violence*” was coded using the Uppsala Conflict Data Programme the Peace Research Institute, Oslo (PRIO) (Gleditsch et al. 2002) and the COW intrastate war data (Sarkees and Wayman 2010), where 1 denotes violence having occurred and 0 the lack of violent confrontations. PRIO dataset only starts in 1946, while the COW dataset goes back to 1816. Events such as the October crisis in Quebec (c.f. Ross 1995) was not coded as violence as the measures start with a minimum of 25 related deaths per year.⁵⁷

Finally, I also record the number of secessionist movements faced by the host-state in the year of interest (“*multisec*”). If the secessionist movement recorded was the only separatist movement within its territory at the time, the variable is coded 0; if one or more was taking place at the same time as the case observed it is coded 1. It should be noted

⁵⁶ This arbitrary measure was selected to reflect the mean world-wide life expectancy at birth in 2008 (c.f. <http://data.worldbank.org/indicator/SP.DYN.LE00.IN>) to reflect the presence of violence between the host-state and the region within living-memory.

⁵⁷ An outright war is measured in these datasets as 1000 combatant battle deaths per calendar year.

that the intensity and strength of the secessionist movement varies considerably within the same host-state and across time within the same region. This possibly weakens the validity of the secessionist movements' case-selection depending on how active or relevant the movement is within regional or state-level politics for the year recorded. Yet, it strengthens the reliability of the dataset as it samples a wide range of secessionist movements, not only in contexts but also in their intensity and means employed to further their separatist goals.

Political variables

A crucial contextual variable in the hypotheses is the regime type of the host-state ("*DemLev*"). The level of democracy is measured using the Polity IV data set (Marshall and Jaggers 2002). The combined revised polity score, ranging from +10 (strongly democratic) to -10 (strongly autocratic), records the level of democracy of the host-state. Some countries of interests such as Somaliland and Bosnia Herzegovina are coded as "countries of interregnum", "anarchy" or "ongoing transition", in which case the previous available yearly measure is used.

I chose this indicator of democracy over others for three reasons. First, it covers most of the cases and dates needed. Indeed, the Polity IV study measures long-established members of the international system since 1800 until 2014 (as opposed to Freedom House starting in 1972). For new independent states, the year of independence or the first measure available after it was used as a starting point. Secondly, in terms of validity, Polity IV performs well thanks to its focus on elections which can be observed and verified more readily than other measures such as rights, especially given the timespan considered. Thirdly, the focus on the quality of institutions and elections, concerns that can apply to referendums as well, are important to control for when considering the effect of plebiscites (as DV and IV) and other political variables. Ethnic-federalism and power-sharing, for example, can be officially in place, yet they do not function in practice due to the lack of competitive elections precluding the region's distinct population to exercise internal self-determination.

The drawback of this measure of democracy is that it fails to account for the argument made in the literature about the importance of the respect of human rights which would allow for individual or collective internal self-determination, not an overly acute problem given the high correlation between the democratic score in Polity IV and other measures of civil and political liberties such as Freedom house (Högström 2013, 216). Finally, a limitation includes the restriction to states having achieved independence with a

population greater than 500,000, excluding cases such as St Kitts and Nevis which required the search for an estimation by experts (Gunson, Chamberlain, and Thompson 2015, 245).

From the same dataset, I also consider the stability of the host-state regime (“*Regimestab*”). Regime durability refers to the number of years since the most recent regime change, that is a change of three points in the Polity score described above within three years or less. If a host-state scores 0 or close to it this means it has just witnessed a transition in regime in the year of observation.

A crucial variable, heavily debated in the secessionist literature explored in the previous chapter, is whether the region at risk of seceding is an ethnic-federal unit. Based on Roeder’s (2007) original conceptualisation⁵⁸ the dummy variable “*ethnicfed*” records when the representatives of the distinct “ethnic group” inhabiting the region have the possibility to hold institutional control over it (such as their own legislative and executive powers) (Roeder 2009, 204).

Power-sharing systems are also considered. Based on the Ethnic Power Relation dataset (EPR3) (Cederman, Wimmer, and Min 2010; Cederman, Gleditsch, and Buhaug 2013)⁵⁹, the dummy variable “*PowerS*” records cases where the regional distinct inhabitants have representatives in a formal or informal power-sharing arrangement. This is operationalised by the EPR scholarly team as any arrangements where leading representatives of distinct ethnic groups divide executive powers and can have an influence in political decision making at the national level. While using this measure ensures more reliability than would be achieved if I were to manually code a measure of power-sharing, the combination of both formal and informal power-sharing can be problematic as the latter is not a secured form of representation compared to a formal – constitutional – arrangement, and may in itself lead to grievances.

Finally, the dummy variable “*regrep*”, also taken from EPR, takes into account whether the regional distinct population representatives dominate the local executive. This is an important factor to consider as many of the institutional theories on whether ethnic-federalism increases or decreases the likelihood of secession is dependent on whether

⁵⁸ Unlike Roeder, colonies are not considered ethnic-federations however due to conceptual validity (see point above on compatibility between colonial cases and other types of secessionist movements).

⁵⁹ While not ideal in terms of conceptual validity, the use of EPR considerably strengthens the reliability of the measurements in the dataset than any manual coding would allow with 734 “politically relevant” ethnic groups considered from 1946 to 2014. Furthermore, EPR creators offer a clear operationalisation which enabled the careful coding of cases prior to 1946.

possible secessionist actors do indeed hold control over the region. Unfortunately, it was not possible to break this further according to whether the representatives in power were indeed secessionists. Not only it is very difficult to find existing databases on secessionist political parties outside of Western-democracies (Sorens 2005; Hale 2008), coding such parties can be a challenge. For instance, in the former Soviet Union the same parties and political elites that originally endorsed the union held independence referendums when it became clear that the latter would not survive (e.g. Turkmenistan). Finally, not all secessionist groups have the ability to mobilise through formal political channels and can be forbidden (e.g. India (Sorens 2012, p42)).

Another variable that would have been extremely interesting yet faces the same challenges described above is the share of the electorate that voted for such parties. Scholars usually measure ethnic party support, and therefore their relative strength in the region, as the share of votes it receives in the constituencies which it contests (e.g. Sorens 2005; Winter and Tursan 2003; Gordin 2001). Yet, the share of votes or seats can be biased by the electoral system and ethnic geographical distribution which does not correctly reflect actual popular support. Survey data on the electoral behaviour of ethnic groups is scarce (Strijbis and Kotnarowski 2013, 2), and presented a major challenge in determining the effect of the referendum on support for independence.

Economic variables

Economic factors have been identified in the literature as important explanatory variables accounting for the presence and strength of secessionist movements. This is unfortunately where the dataset is most lacking as finding reliable data for the cases and timespan considered has been particularly challenging, especially at the regional level.

National GDP per capita (*"NatGDPcap"*), is measured using the Maddison Project GDP per Capita estimates in Geary-Khamis dollars⁶⁰ allowing for international and temporal comparability of the estimates (Bolt and van Zanden 2014). This dataset has been identified as the most reliable and valid for the present study as, in addition to the measure being comparable across time and space, it goes far enough to be able to have an estimate of the national GDP per capita for all cases of interests. Because the analysis is not "nested", but individual cases are constructed a "host-state-region", some host-states are repeated. This poses a problem of multicollinearity with the same GDP figure being

⁶⁰ Also known as the International Dollar. It is a hypothetical currency which represent the same purchasing power parity that the U.S. dollar had in the United States at a given point in time; in this dataset it is set at 1990.

repeated if secession, a referendum or the end of a secessionist movement occurred in the same year, or very closely (e.g. USSR and SFRY). This problem is address by running multicollinearity checks and removing such cases from the analysis.

The same dataset provided figures for the national population (*"Natpop"*) used to estimate the relative size of the region at risk of seceding population compared to the total host-state population (*"RegPopNat"*). The figure for the regional population (*"Regpop"*) had to be retrieved from a variety of sources, including the OECD, World Bank, national statistics or email queries to the national statistics bureau. When the territorial unit at risk of seceding did not correspond to existing administrative boundaries, the units that most closely matched the territory claimed by the secessionist movement were taken into account and averaged.

A similar process had to be undertaken for an estimate of the GDP per capita of the region of interest. It was not possible to compile a similar comparable measure across time and cases. Accordingly, I prioritised finding a figure for the year of interest for the region and then finding a matching comparable figure at the national level to enable me to construct a measure of relative wealth (*"RegGDPnat"*) capturing how much poorer or richer the region is relative to the host-state. This variable suffers from a large number of missing cases and creates a clear bias with cases prior to the 80s and recent cases in some African and South East Asian states representing most of the omitted secessionist movements. Accordingly, this variable is only added in a separate model to retrieve a larger-n and avoid this bias.

III.3. Qualitative Analysis

Although the mixing of both quantitative and qualitative methods is based on two different 'cultures' (Mahoney and Goertz 2006), the case study method brings them together within a positivist approach to achieve a better understanding of independence referendums and their consequences. This thesis indeed posits that knowledge can be inferred from empirical observations, in this case specific instances of independence referendums. The strengths of a qualitative comparative small-N approach are numerous. For a start, it can overcome some of the quantitative limitations uncovered above, from the limited ability of the quantitative analysis to test possible causal mechanisms or problems in the construct validity of the variables employed. Moreover, it goes a step further and enables me to focus on the *how* rather than *if*: how and when does the referendum make a difference? This means highlighting, sometimes complex, causal mechanisms and intervening

variables (George and Bennett 2005, 20–22). The qualitative approach also ensures high levels of conceptual validity alleviating the quantitative analysis shortcomings. Accordingly, it is both an *additional* and *different* way to address our research questions (Blaikie 2000).

The in-depth comparative case study using process tracing and discourse analysis (DA) enables a better understanding of the role of independence referendums in two different secessionist movements and contexts. The use of DA and framing theory allows me to connect context, agency and voting behaviours that lie behind both secessionism and referendums, and their outcomes. Process-tracing is a method of analysis to evaluate causal processes (Collier and Mahoney 1996); although the causal mechanisms examined here are not necessarily directly observable, as they comprise social or psychological processes (George and Bennett 2005). This approach helps capture the complexity and multiplicity of ways an independence referendum may impact secessionism and compare it across cases to uncover potential systematic or unsystematic patterns. These two aspects of the qualitative studies are detailed below and include a review of the primary and secondary sources used for the study, along with the fieldtrips undertaken in Montenegro and Quebec and their contribution to the study.

III.3.a. Comparative case-study and case-selection

The qualitative approach focuses on the contextual setting before, during, and after the referendum to uncover the strength of the secessionist movement (institutional and popular support) at these different stages. It investigates in depth the mechanisms that influence the dependent variables: the reasons behind the presence of an independence referendum, the independence referendum effect on the secessionist dynamics in the regions it is being held, and the referendum and secessionist outcome. This is made possible by uncovering similarities, differences and patterns across independence referendums.

The qualitative case study analysis also contributes by testing further the deductive approach adopted in the quantitative analysis and brings a more inductive method which still allows for broader generalisations (King, Keohane, and Verba 1994). This exercise is conducted as a cross-case analysis of the independence referendums in Quebec and Montenegro. It also has some elements of within-case analysis as it tries to uncover how the secessionist movement stood just before, during, and after the independence referendum, as well as studying the latter as a process in itself (Tansey 2007). This more intensive analysis and unstructured approach allow me to follow unexpected or

unanticipated processes and improve the accuracy of the analysis, increasing the validity of the findings in regard to the effects of an independence referendum (Bryman 2006).

Furthermore, the two case-studies and three independence referendums are complementary to the large-N analysis. They help determine whether the correlations found in the statistical analyses are spurious (the dependent and independent variable are not really associated,) or endogenous (the effect of a particular variable is determined by other variables) (Bennett and Elman 2006a, 458). Finally, the case-studies should be considered with reference to the large population of which they are part and engage with analogous phenomena. Generalisation is possible as long as the contextual factors are carefully taken into account. Concrete, context-dependent knowledge is extremely valuable given that the independence referendum is unlikely to disappear anytime soon.

Case selection

The assembling of the dataset on secessionist movements and independence referendums exposed the population of interests. This subpopulation of secessionist movements having held an independence referendum varies considerably in profile and outcome (measured in how many successfully seceded and the percentage of Yes in favour of independence). To select the cases that will be studied in more depth out of the 10 independence referendums of interest identified I divided them into sub-groups according to their contexts and outcome in light of the quantitative findings. These 10 cases were coded as agreed processes following a careful review of 50 independence referendums identified by previous scholars using secondary literature and historical overviews of the events if they met the three criteria described above. They are: Norway (1905), Mongolia (1945), Faroe Islands (1946), Quebec (1980 and 1995), Eritrea (1993), Nevis (1998), East-Timor (1999), Montenegro (2006), South Sudan (2011) and Scotland (2014).

Out of the 10 referendums, six lead to secession and four the status quo. Some were held in stable, established democracies and economically developed host-states, others in poor, undemocratic, unstable and violent contexts. To represent best this population and draw conclusions from it, the case-studies should reflect these differences (Gerring 2008, 646–47).

Furthermore, to assess what role the referendum played, information on how support for independence stood before and after the plebiscite is essential, along with whether and how support for secession evolved throughout the referendum process. Frustratingly, very few cases meet this last criterion. Opinion polls or survey data are extremely hard to come by, even in more recent cases such as South Sudan in 2011.

Chapter II's review of the referendum literature has demonstrated that referendum campaigns, in a generally free and fair process, have a finite ability to change existing voting intentions, especially with highly salient issues such as the one of independence. This room for manoeuvre by either side of the debate also depends on how many undecided voters there are, and how strongly existing preferences are held. For analytical and theoretical purposes, I set this at a maximum of -20/+20 percent change in opinion on either side of the referendum debate with a standard endorsement threshold of 50+1. This means that support for independence needs to stand at around 30 to 70 percent prior to the referendum for the referendum design or process - notably campaign efforts by either side of the debate - to have the possibility to affect the secessionist outcome one way or another.

A "most similar" or "most different" case selection approach by looking at the statistical analysis residuals is impeded by the number of confounding factors around the presence of an independence referendum and secessionist outcome: those regions who voted in favour of secession were likely to be strongly secessionist from the outset, and vice-versa for those who favoured the status quo. Cases with support for secession around 50 percent are particularly interesting as they are more likely to have started with a more even distribution of preferences on the issue of independence prior to the referendum being called than referendums that show over 80 percent support for secession.

Furthermore, only in this type of context, when the situation is not overly biased towards the status quo or independence, does the referendum and its process, from its design to the referendum campaign, really stand a chance of influencing the secessionist outcome. Analysing cases where no data on support for independence prior to the plebiscite is available and support for secession was likely to be very high from the onset, limits the ability to consider whether and how the referendum impacted secessionist dynamics.

The cases which met best the criteria of representability of different context, data availability, and the ability to assess whether and how the referendum may have affected the witnessed outcome in terms of support and secession and the secessionist outcome were identified as Montenegro, Quebec and Scotland.⁶¹ Montenegro and Quebec also have additional advantages as case-studies for the purpose of this study. Firstly, Quebec had two agreed independence referendums, whilst Montenegro had a unilateral referendum in 1992. The case of Quebec, in particular, allows me to consider the potential path dependency between the 1980 and 1995 independence referendums, and how

⁶¹ Quebec and Montenegro independence referendums results were amongst the closest result to 50 percent plus 1 votes in favour of secession, especially the second Quebec referendum.

independence referendums can set precedents and constrain or help either side of the debate on secession.

Secondly, Quebec has the advantage over Scotland that more materials are available to review the referendums and reflect upon the events since the PhD started a week prior to the Scottish Referendum, in September 2014. This case, among others, is nonetheless mentioned throughout the thesis to contrast and debate the findings. Thirdly, Quebec and Montenegro offer the most variation on key variables of interest. Indeed, while Quebec is part of a stable, wealthy and democratic Canadian federation, Montenegro was part of a series of undemocratic or autocratic unions with Serbia, beset with economic difficulties much more pronounced than what was ever witnessed in Quebec, and in the much tenser context of war in the Balkans. While both Montenegro and Quebec are part of a federation, their position within the political regime differs along with the composition of their societies, notably in terms of size and distinctiveness from the rest of the union they are part of. Furthermore, Montenegro had a clear right of secession and saw considerable external-international-supervision in the referendum process, while Quebec had neither. Chapter six explores their similarities and differences in more depth.

The presence of an agreed independence referendum provides the constant variable in the comparative case-study analysis. I wish to understand how it came about in both cases, and what its consequences were on their respective secessionist dynamics. Accordingly, this comparative case study design does not religiously follow the “Most similar” or “Most different” case selection process (c.f. Rihoux and Ragin 2009) since the agreed independence referendum is both the core DV and IV of interest. Ideally, a third case study representing a more unstable, violent context within which an agreed independence referendum can take place such as South Sudan or Eritrea would have also been considered to truly reflect the range of contextual settings (variation on the IVs). Due to data availability and the challenges of time and resources during a PhD, such cases could not be considered in more depth in the thesis.

III.3.b. Material and fieldwork

Fieldwork

In addition to gathering the primary and secondary sources covered below, the trips to Montenegro in June-July 2016 and Quebec in April -May 2017 were essential to get a deeper understanding of the two case studies, gain a more critical perspective and refine the analysis. No amount of research and reading can replace the knowledge and subtle

understandings gained by actually experiencing the society and political environment one wishes to study. This was also important given my own experience of the Scottish Independence referendum process which can lead to a biased view or certain expectations. Fieldwork enhanced the reflexivity needed as a researcher, bringing more validity to the research (Creswell 2013, 186). Informal discussions with political actors and academics in Montenegro and Quebec brought precision to the study of independence referendums as a political and legal phenomenon. Particular attention was paid to the authors' and discussants' background given the polarised and sensitive nature of independence referendums to identify potential bias in their coverage or discussion.

One of the major challenges however was to ensure that both sides of the independence question were covered. The expression that "history is written by the winners" was at risk of becoming reality during my fieldwork. While the dominant Montenegrin Party and winner of the 2006 independence referendum, the Democratic Party of Socialists of Montenegro (DPS), welcomed me into their office and provided an English-speaking members of staff for a day to help me retrieve the documentation sought I was unable to get a formal meeting with their main opposition, and leader of the No campaign in 2006, the Socialist People's Party of Montenegro (SNP), now succeeded by the New Serb Democracy (NSD). My emails remained unanswered and through local contacts, I was only able to get a brief, informal meeting with a member of parliament and a discussion with a pro-Serb journalist.⁶²

It was never my intention to rely on interviews for this research as the main data source. Firstly, the independence referendums took place in Montenegro 10 years ago, and 36 years for Quebec, meaning that the recollection of the events might not be accurate or be biased by the events that both cases experienced in the post-referendums period. Secondly, to be valuable the interviews would have needed to include people that were involved at the core of the referendum process (participated in the negotiations or closely oversaw the referendum process) bringing an issue of accessibility, especially in Montenegro where key political personalities are still in office. Dr Jelana Dzankic, despite being originally from Montenegro, struggled to get interviews with the relevant actors. Other scholars familiar with the country also advised against it given what it would a) bring to the thesis, b) the cost and time constraint, and c) the likelihood of getting interviews or valuable information from them in the first place as a female foreign student.

⁶² Dr Ivan Vuković, University of Montenegro, and Professor Sinisa Vuković, visiting from the John Hopkins University, were very helpful in getting contacts.

For Quebec, the 1980 referendum was less covered than the 1995 referendum but poses the problem that many of its key actors are no longer alive or active in the public scene. One of the unanticipated difficulty was that the 1980 independence referendum tended to be overlooked in the discussions, people generally being much more marked by the 1995 independence referendum as it is closer in time, but was also perceived as much more “intense” given the close result. Nonetheless, exchanges with Canadian and Quebec scholars were particularly valuable in confirming and refining my hypothesis on the Canadian government approach to the independence referendum but also taking into account areas of disagreements with this interpretation. Thirdly, given the extensive media coverage both Quebec referendums enjoyed, important opinions and perceptions of key actors can be found within their public declarations and/or interviews conducted while the events were taking place.

The informal exchanges with scholars and practitioners in Quebec and Montenegro were aimed at breaching gaps in understanding, accessing data, and gathering multiple perspectives and accounts from experts on what can be very emotionally charged and polarising historical events. Background research on the people interacted with was needed to know whether the interlocutor was likely to come from a Serbian or Canadian perspective, or a Montenegrin or Quebecer perspective, for instance. Despite not conducting formal interviews good ethical practices were respected. All the people I spoke with were made aware of my research aims and what I sought to gain from our exchange and how the information would be used. This makes the approach adopted in this research almost an ethnographic study as it seeks to obtain a hostility point of view of the object of study, and a ‘native’ perspective (Atkinson 2006; Hammersley and Atkinson 2007, 1–3).

While no interviews were conducted, for ethical reasons, I still made clear my intentions when contacting discussants by email or meeting them for the first time, detailing in writing the aims of my PhD and how the exchanges with them would be valuable to refine my analysis, help me locate data and provide a general and more thorough understanding of the societies studied. On the off-chance that I decided to quote them, I proposed to send them a consent form and information sheets on the research but this was not needed after all.

Primary and secondary sources

Primary sources encompass contemporary documentation surrounding the independence referendums of interest: the constitutional and legal documents around its legality and

design, official reports from governments and organisations on the referendum process and results, and official campaign materials used by the No and Yes sides. I also was able to visit the advertising agency which designed the Yes side campaign in Montenegro, MAPA⁶³, and take pictures and make copies of a sample of their campaign material. They also provided me with a documentary done on the Yes side campaign containing video clips aired at the time which had just been finished to celebrate the 10th anniversary of independence.⁶⁴

Another important archival source was the major newspaper articles at the time of the plebiscite. They were used both as a primary source for an analysis of the media coverage, and secondary sources for process-tracing and framing analysis purposes (see below). For Montenegro, newspapers and journal articles from 1999 to 2006, focusing particularly on 2001, 2005 and 2006 when the referendum was at the core of the agenda (c.f. chapter IV) were consulted to provide an insight into the political situation at the time. Over 300 articles on Montenegro translated from Serbo-Croatian into French by Le Courier des Balkans⁶⁵ covering the 1998-2007 period were consulted. While in Podgorica, I also visited the national archives to review all the official campaign period news coverage in *Vijesti* and *Dan*. Thanks to the help of a fellow Montenegrin PhD student and a translator I was able to collect and select materials to be fully translated and later analysed notably on the referendum campaign strategies employed by the Yes and No side.

The newspaper covered include: *Vijesti*, an “independent” daily Montenegrin newspaper although known to be under government oversight, but which remains of good journalistic quality and uses the Latin alphabet; *Pobjeda*, the government’s newspaper written in Cyrillic script; and The Montenegrin *Monitor*, a weekly journal particularly commended by the pro-independence intellectuals in Montenegro. Created in 1990, it has remained independent throughout its existence and remained critical of Djukanović even when the DSP adopted a secessionist agenda. To account for the No side of the campaign perspective the major Pro-Serbian Montenegrin newspaper *Dan* was consulted. Belgrade’s perspective was also considered with the consultation of two Serbian newspapers *Vreme* and *DANAS*. They were either retrieved from Le Courier des Balkans, the personal collection of Professor Florian Bieber who kindly sent me some of the original resources he had gathered during the referendum or through my visit to the

⁶³ <http://www.mapa.co.me>

⁶⁴ The campaign materials were not properly archived, there are therefore not directly quoted when used in chapter VII unless directly quoted, which instead provides a concise account of the No and Yes campaign.

⁶⁵ <http://www.courrierdesbalkans.fr/>

national Montenegrin archives.⁶⁶ For Quebec, I used the online *La Press*, made available by the Bibliothèque et Archives National du Québec. It is the most widely read Francophone, pro-federal, newspaper in Quebec. In addition, a Francophone, pro-sovereigntist paper in the 1990s under Lise Bissonnette⁶⁷, *Le Devoir* distributed in Quebec was also used along with *The Globe and Mail*, a Canadian-wide Anglophone newspaper.

I also made extensive use of the secondary historical and societal accounts of Montenegro and Quebec in academic books and peer-reviewed journals in English, French, and Italian from mostly Montenegrin and Serbian authors, and English and French-Canadian authors. Theories of nationalism and state-building, along with the broader literature on the secessionist movement, helped narrow the focus on what aspects of history, society and politics would be most relevant when considering the plebiscite. This is particularly useful as a mechanism of comparison between the case studies.

Extensive external involvement in the Montenegrin independence referendum process leads to numerous and valuable briefs and reports being published from 2000 to 2007 on the referendum process, including specifications on the referendum design, the negotiation process and controversies. The European Commission, Council of Europe and OCDE/ODHIR reports in particular offer very detailed records on the negotiations and points of contention in designing the referendum. The Centre for Democracy and Human Rights (CEDEM)⁶⁸ public opinion surveys and polls from 2004 to 2007 were also consulted to assess (a) the Montenegrin citizens' level of support for secession, (b) their national identity, and (c) which political and societal matters were most important for the population around the independence referendum.

These opinion polls were cross-validated with the more limited surveys in regard to timespan and sample size conducted by the Centre for Monitoring and Research (CEMI – Centar za Monitoring i Istraživanje).⁶⁹ The choice to use the CEDEM data and the rejection of alternatives such as opinion polls recorded through time in the press were made after careful consideration and discussion with scholars specialising on Montenegro and the Balkans to assess which data was more reliable (consistent, comparable coverage) and methodologically valid. This is especially relevant in Montenegro since the press is known to be biased towards one political side, and information on the methodology or

⁶⁶ The campaigning materials used by both sides of the campaign have not been properly archived and referenced but are still used for the analysis of the overall campaign strategies here.

⁶⁷ In 1980, Claude Ryan – a No defender – ran *Le Devoir* (Wiseman 2013, 89–90).

⁶⁸ For more information on the centre see the official website <http://www.cedem.me/en/>.

⁶⁹ Information on the centre is available on their website <http://cemi.org.me/en/>.

sample size employed in the polls reported in the news could not be recovered, even with the help of a translator.⁷⁰

While in Montenegro, CEDEM staff, which includes academics, were particularly helpful in locating sources and reports on the referendum process in addition to providing their own materials gathered during the period of interest. For instance, Professor Srdjan Darmanović, founder of CEDEM and former Montenegrin ambassador to the US and colleagues at CEMI kindly shared their many briefs and reports on the referendum process in Serbo-Croatian and English, including the review of the media used in the thesis by providing further translation and explanations on the methodologies used. These two organisations also closely liaised with the European Union, the United States, OECD and Council of Europe during the referendum process helping me get a better understanding of their involvement in the referendum.

Quebec represented much less of a challenge in retrieving primary and secondary sources, and in a language, I could readily understand as a native French speaker. While many more polls were taken during the referendum process in Quebec, giving a more reliable review of the movements within the electorate across the period of interest, the ambiguity of what “sovereignty”, and especially “sovereignty association” entails make assessing actual support for independence as understood in Montenegro (or Scotland or South Sudan for example), difficult (Yale 2008; Yale and Durand 2011). Thanks to the help of scholars at McGill University and the University of Montreal I was able to consider a wide range of datasets and opinion polls to select the ones that would best allow me to compare the changes in public opinion as the independence referendums unfolded in Quebec and Montenegro. With the second independence referendum now over 20 years ago, declassified information and accounts collected by Canadian scholars and journalists also helped me to review and contextualise the time period of interest (e.g. Croisat, Petiteville, and Tournon 1992; Cardinal 2005; Hebert and Lapierre 2014).

III.4.b. Conceptual and analytical tools

The different sources collected were used in two ways. First, they help proved a thick description in line with the process-tracing approach, setting the context of the phenomenon of interest, and presenting the sequencing of events that lead the referendum to be a) called, b) agreed upon, c) conducted, and d) its outcome recognised. Secondly, the documents, notably primary sources, were interpreted and critically analysed as temporally and historically situated accounts (Prior 2004). Using existing academic in-

⁷⁰ Something not uncommon, regardless of the context (see Bhatti and Pedersen 2016).

depth case studies and contemporary official reports of the selected cases, campaign manifestos and opinion polls, the qualitative analysis identified relevant internal homogeneity or heterogeneity related factors between the two case-studies having held an independence referendum. Furthermore, a within-case study approach using those materials enabled me to assess how the independence referendums affected secessionist dynamics within Montenegro and Quebec and how support for secession evolved from the moment the plebiscite was called, to voting day and the creation of a new independent state (Montenegro) or the sovereignty question in Quebec today.

Process-tracing

Within-case and cross-case analysis will be used to determine why the referendum was called at the time, how it was agreed by both the host-state and secessionist actors, and whether its presence and outcome were critical in increasing or decreasing the likelihood of the regions seceding. This is done through process-tracing. Far from a simple “story-telling” method, process tracing goes beyond a simple ‘detailed narrative or story presented in the form of a chronicle that purports to throw light on how an event came about’ (George and Bennett 2005, 210). It is a mechanism to evaluate causal processes between an independent variable (here the independence referendum) and outcome variable (secessionist outcome) (George and Bennett 2005, 206). Given the quantitative evidence in chapter IV, a simple linear relationship between the two is too simplistic. The very presence of the independent variable of interest is likely to be linked to the dependent variable in the first place. Process tracing, unlike statistical analysis, is not only about identifying possible causal effects but also the causal mechanisms.

I aim to identify in the case studies the key events and elements that set the path to (a) the agreed independence referendum, and (b) the secessionist outcome witnessed, namely whether a new independent state was created or not; accounting for the fact that the two are not unrelated or distinct. Indeed, factors linked to (b) may determine the presence of (a), while (a) may affect (b). Accordingly, the thesis offers a detailed reconstruction of the temporal sequencing of three agreed independence referendums and uncovers the reasons behind their presence and outcomes. This approach is particularly useful in disabling the shortcomings of the quantitative approach in the preceding chapters and capturing the empirical complexity of the phenomenon being studied.

The review of the sequencing of core independent and dependent variables of interest, along with intervening variables also enables me to refine the validity and reliability of the operationalisation of the variables used in the quantitative analysis. For instance, it

can help answer more clearly what it is about the measured “level of democracy”, “distinctiveness” or “legal right to secession” in the quantitative analysis that plays a role in the independence referendum process.

While some hypotheses have been advanced as to why agreed independence referendums happen and their implications on secessionist dynamics (theory-testing), this thesis is equally theory-building. Accordingly, the following chapters are not aiming to “confirm” a theory or hypothesis but rather to help better understand the devices through which an agreed independence referendum can increase or decrease the chance of secession at the societal, legal, and political level. They are regrouped under the label “secessionist dynamics” which are not limited to the strength of the secessionist actors in material or electoral terms but how they interact with their environment.

Although process-tracing is concerned with timing and sequencing of events, their interaction and effects are not necessarily linear. Events interact with one another through “feedback loops”. “Small” events, even early on, may have a significant impact on the outcome while what may seem like “bigger” events may not have as much effect compared to preceding events in explaining the referendum result (Pierson 2004, 45, 2000). Furthermore, process-tracing allows me to consider the key actors involved in the referendum process through the careful descriptions of events it requires (Mahoney 2010, 125–31). The analysis is also multilevel in this regards (Henderson 2007, 12), as the international, national, sub-national, group and individual levels are reviewed to grasp a better picture of how the independence referendum interacts with those different levels.

Discourse Analysis and Framing Theory

Discourse Analysis (DA) is both a theory and method which posits that discourse has social, political and cultural implications. It is used to analyse linguistics in order to facilitate the understanding of a social phenomenon we wish to study (Gee 2014). It is said to be *critical* when it assumes an underlying power and political dimension and wishes to bring it to light (Dijk 1993; Fairclough 2013). DA is important to understand the polarisation process that takes place in secession and is at the forefront of the independence referendum. Indeed, this thesis is not just about secessionist movements but referendums as an important political process and mobilisation instrument.

This political dimension of independence referendums is best considered through discourse analysis of texts and speeches and their empirical consequences. I am not just interested in what the secessionist actors, the host-state representative of individuals *do* (sequencing of events) but also how they are doing it with words (e.g. constructing groups,

allies and enemies) (Wood and Kroger 2000, 5, 9). Most important of all, how they construct the understanding of who are the “people”, and how does this, in turn, match the electorate that is to decide. We also need to account for the fact that discourse is embedded in a context of frameworks of understanding and broader socio-cultural structures and processes (Dijk 1997, 15, 21). Accordingly, the analysis of discourse means paying ‘attention to the structure of language (“grammar”) and how this structure functions to create meaning in specific contexts’ (Gee 2014, 8).

DA was an important starting point in the decision to rely upon framing theory and assert the relevance of theories of ethnic and political mobilisation to understand why and how independence referendums come about, and how they are justified. DA is conducted through the careful reading of original sources such as legal documents, speeches, campaign manifestos to identify keywords, metaphors, lexicons and visuals used. It also requires a critical approach⁷¹ by questioning what was said and how, what was not covered and who is speaking and which groups or actors are represented.

The present study followed Chong and Druckman’s frame-identification process which combines the inductive and process-tracing approach described above. Firstly, an inductive identification of initial ‘culturally available frames’ by analysing prior works on the subject helped grasp the issue (Chong and Druckman 2007, 106–7). The secessionist movements in Quebec and Montenegro did not emerge in a vacuum, nor did the idea of referendums. Pre-existing contextual factors shape both the decision-making process of actors and their discursive justification for their actions or goals. The framing process is also a critical analytical tool to connect the contextual factors explored in the quantitative analysis of the decision to hold an independence referendum (if it is within the capacity of secessionist actors), the decision of the host-state government to consent to it, and voting behaviour in independence referendums. All stages have in common a contextual setting, but not all aspects of the context are relevant for each stage, nor do they serve the same function as they can be framed in different, and competing, ways.

Theories of framing and political communication help identify main narratives and the construction of specific arguments employed by the Yes and No side to argue for or against an independence referendum and to convince voters. Framing theory is a complementary method and conceptual framework already discussed in the previous

⁷¹ This thesis does not employ a fully-fledged Critical Discourse Analysis (CDA) approach which typically focuses on social problems, power-relations, inequalities and the performativity of discourse in society.

chapter as an essential when analysing the referendum campaign in order to understand how both sides try to mobilise voters in their favour and explain the referendum outcome.

Conclusion

This chapter laid out the methodological structure of the thesis to investigate the role played by independence referendums in secessionist dynamics and state creation. The advantages and drawbacks of the quantitative and qualitative mixed-method approach were considered. The use of both method of analysis, in addition to overcoming their inherited limitations, is well suited to address the under-studied societal and political process that is independence referendums. First, it reviews the independence referendum within its phenomena of interest: secessionism, unlike other studies which focused on it as a type of sovereignty referendum or its legal and normative implications.

Secondly, through the use of logistic regression, I will analyse factors associated with the outcomes of interest (independence referendums, and agreed referendums, in particular, secession and support for secession); and how in turn an independence referendum, as an intervening variable, affects the likelihood of secession and the levels of support for independence. Thirdly, the two methods combined allow to explore, describe and explain independence referendums, adopting an initial inductive approach to guide the analysis yet leaving enough room for a deductive approach to drawing generalizable conclusions about independence referendums.

I have also discussed the diverse type of sources, both quantitative and qualitative, that have been used in the analysis allowing for triangulation and a deep understanding of the object of study. They serve both to conduct the process tracing of events to understand what leads to independence referendums and their outcome, who was involved in the process and how. The framing-analysis helps understand how the contextual setting allowed for the legitimisation of a referendum, what “agreement” is based on, and how the electorate was mobilised to vote in favour or against secession. Closely experiencing the societies under study was essential to refine my understanding and reading of the primary and secondary materials.

The object of study remains a complex phenomenon and further study will be needed to fully grasp it. This thesis does not wish to be the final word but a first step in tackling important questions. Case selection for the qualitative analysis is particularly problematic in this study and an external observer might find other sets of cases of independence

referendums more suited to enable generalisation. The combination of quantitative and qualitative methods nonetheless lessens these shortcomings, since the statistical analysis will set key variables and “profiles” creating specific contexts to which the in-depth case study analysis findings will most likely apply. Accordingly, the thesis conclusions will have the potential for comparability and predictability to be used in a future independence referendum

Chapter IV

Independence Referendums and State-Creation

Introduction

While previous studies of independence referendums have focused on the practice within sovereignty referendums at large, this chapter considers them within their subject matter: secessionism. Using a dataset referencing 225 distinct secessionist movements from 1905 to 2014 it investigates the profile of states and regions which have held an independence referendum in an effort to determine when they are likely to occur, and whether the latter was a consensual process. Appendix A presents the full list of cases in the dataset and whether an independence referendum was recorded and its type. Appendix B shows the full list of variables in the dataset and their source. The quantitative analysis allows me to test some of the hypotheses elaborated in the previous chapter and what factors contribute to increasing or decreasing the likelihood of a region becoming independent and the role of an independence referendum as an intervening variable in the process.

This chapter expands on the existing quantitative studies of both secession and referendums in a number of ways. First, it is the first dataset to collect data on independence referendums beyond the percentage of endorsement of the independence option and turnout, by also considering the contextual setting within which they are held, such as how democratic is the country where it takes place or the region's population distinctiveness. Secondly, it offers a new dataset on secessionist movements expanding on Coggins' list and adding to the existing works of Soren (2015), Collier and his colleagues (2009), or more ambitious projects such as MAR or EPR from which some of the variables have been retrieved. Most quantitative studies on secessionism do not focus on secession *per-se* however, nor solely on actors wishing to create a new independent state.⁷² They often use proxies such as support for secessionist parties or secessionist conflicts. Thirdly, this dataset considers the fate of a large sample of secessionist movements and the process through which new states emerge.

⁷² Except for Coggins (2011) whose selection criteria restrict regions and groups analysed to those with an independentist agenda, offering a helpful start for case-selection.

The first stage of the analysis considers how many cases referenced seceded, and whether the independence referendum might have played a part in it. Secondly, where independence referendums, and agreed referendums, in particular, are more likely to take place is considered. Finally, I turn my attention to support for secession in independence referendums to identify in which context the plebiscite may act as a moderator on secession.

IV.1. Secession and Independence Referendums: A Quantitative Overview

IV.1.a. State-creation since the 19th century

The dataset is composed of 225 distinct observations of host-state-region separatism.⁷³ Among them, 107 achieved independence (48%), while 118 did not succeed in creating a new independent state. However, among the movements which did not secede, not all are still active to this day. Of all secessionist movements in the dataset, less than half (40%, n=89) are still ongoing today, meaning that they did not result in secession or the end of the secessionist movement without independence. 136 distinct calls for independence have ended since 1905. That is the 107 secessionist movements who achieved independent statehood, but also 29 more cases which ended without secession occurring.⁷⁴ This can be explained by three main events.

In the first case, the dichotomy of interests: “host-state – secessionist movement” sees the first actor disappear. This is the case for the Karen independence movement under British rule which ended with the withdrawal of the colonial power from Burma.⁷⁵ However, a new secessionist movement appeared under “Burma-Karen” as the new “host-state” was freed from external domination and Karen people and their territory were brought under the Burmese central government jurisdiction. This outcome is closely linked to the dissolution of the host-state whereby the colonial power or former states such as the USSR or Yugoslavia no longer exists. 41 percent of host-states in the dataset met this fate. Often a succession of secessions leads to the dissolution of the state, but not

⁷³ The dataset includes 228 cases as French Somaliland (Djibouti), Quebec and South Ossetia held two independence referendums. These repetitions are systematically controlled for in all tests run by removing the second independence referendum from the sample. Their removal was never found to substantially alter the results, accounting for the general robustness of the findings.

⁷⁴ Secession is defined as the successful attempt by a distinct identity group to withdraw from the host-state, and be internationally recognised as a new independent sovereign state.

⁷⁵ At the time the Karen people fought for the British Empire against Burma and Japanese troops with the hope of gaining an independent state. For further readings see Rajah (2002) and Blemin (2009).

necessarily all secessionist movements resulted in a new independent state and are therefore coded as secession having occurred (e.g. Tartars moving from the sovereign jurisdiction of the USSR to its successor state Russia). Another possible outcome is the disappearance of the secessionist movement. This could be because of a total military defeat (e.g. Balkars in USSR in 1943, Hyderabad secessionist attempt in India in 1948)⁷⁶, and/or because the secessionist movement never gathered much support from the population or it settled for more autonomy within the existing host-state and officially abandoned its secessionist goals.

Sometimes military victories by the secessionist side would result in a territorial partition but not in a formal secession. That is the inhabitants enjoy *de-facto* statehood whereby they govern themselves without any interference from the internationally recognised host-state, but not *de-jure* which would also mean that the new state is recognised by the international community and accepted as a sovereign actor in the international arena (e.g. Transnistria partition from Moldova). Fourteen cases of partition have been recorded in the dataset (6.2 percent).

All but nine of all secessionist movements that were also colonial cases have ended in the creation of a new state.⁷⁷ All secessionist colonial cases in the dataset have now ended except for France-New Caledonia.⁷⁸ While 88 percent of colonial cases achieved independence, only 22.7 percent of non-colonial cases did.⁷⁹ The association between the region being a colonial unit, and secession occurring is statistically significant at the 95 percent confidence level. A logistic regression shows that colonies have a 28 times greater likelihood of successfully seceding than regions which do not have a colonial status. This review supports *HSec.1* that colonial secessionist movements should result in a successful secession.

⁷⁶ More research on these specific cases would be needed to ensure that the military defeat was indeed the primary cause behind the secessionist movement ending and the subsequent lack of re-insurgency. The Tamil secessionist movement, which after 26 years of conflict was official defeated in May 2009 and no substantial new secessionist activity has been recorded since (Nieto 2008; Hashim 2013), yet the movement still exists and has been campaigning for an independence referendum (Dibbert 2016).

⁷⁷ Exceptions are: France - Alawites (Hatay), France-Casamance, France-New Caledonia, Italy-Sanusi, UK-Baluch, UK-Karen, UK-Rhodesia (North), UK-Rhodesia (South (whites)), UK-Nevis.

⁷⁸ Note that this will constitute an outlier along with Comoros and Nevis under the British Empire, since I decided to not consider small Islands-metropolises referendums due to comparativity and data availability. Since these cases will not be part of the main analysis they are retained here.

⁷⁹ In the dataset created by Coggins (2006, 108) starting in 1945, we find very similar distributions: 18.5% of non-colonial cases achieved secession, while 75 percent of all anti-colonial movements eventually gained independence.

Among the colonial cases, only seven (8%) had an independence referendum. Note that I have excluded some cases which have been classified as independence referendums by academics studying sovereignty referendums, notably the 12 to 17 referendums⁸⁰ on the new French constitution which would change the status of some of the colonies to be within the Communauté Française. This new arrangement did not exclude independence, but a No would mean outright independence.⁸¹ Only Guinea decided to opt for “pure and simple” outright independence, while Niger approved the new arrangement by 75 percent of the 37 percent of registered voters who cast a ballot.⁸² Two years later, the eleven remaining West African members became independent and were admitted to the UN, some of whom retained their Communauté membership until it was formally abolished in 1995.

Out of eight independence referendums held in colonies referenced in this dataset, only half were also followed within the year by a successful secession. These referendums in Algeria (1962), Western Samoa (1961), Djibouti (1977) and Comoros (1974)⁸³ were also agreed independence referendums with a majority voting in favour of independence. The last agreed referendum also took place in the former French Somaliland (Djibouti) in 1967. Independence was only approved by 39 percent of the electorate with a turnout of 95 percent. Ten years later, another independence referendum resulted in an overwhelming majority in favour of independence (99.8% Yes, 77 % turnout).

The last three referendums were unilateral processes and did not result in statehood following the plebiscite. The white population of Southern Rhodesia held an independence referendum in 1964 which was not recognised by the UK, nor the majority in favour of secession acknowledged by the international community (Onslow 2005). Nevis held a unilateral plebiscite in 1977 to separate from the UK and its colonial entity of St-Kitts and Nevis, it also held a second referendum - agreed this time - in 1987 to separate from the now independent St Kitts and Nevis Federation (see below). Finally, the

⁸⁰ That is the 12 colonies that will eventually gain independence between 1958 and 1960.

Laponce also includes in the list French territories such as Saint-Pierre-et-Miquelon or Algeria.

⁸¹ There are some potential controversies over this understanding of the referendums. President de Gaulle wished the referendum to be clearly about an in/out option on secession. Yet, the Consultative Constitutional Committee and African leader's understandings did not match the one of the French President who was also concerned at the time about the repercussion these referendums would have on Algeria. There are clear indications that for them, endorsing the community did not mean renouncing independence. C.f. Skurnik (1967 especially pages 329-331; for a more in-depth discussion see Borella 1960. Television news shows that it was understood independence could be achieved even when endorsing the French Community, see ORTF 1958).

⁸² Schmidt (2009, 22) also notes the suspiciously high turnout and endorsement in other colonies and finds evidence of coercion.

⁸³ Mayotte remains under French control as a majority rejected independence.

independence referendum of New Caledonia in 1987 was boycotted by the secessionists and resulted in a majority in favour of remaining with France (Connell 1987, 43; Clark 1988). An (agreed) independence referendum is due to be held in the island before November 2018 (Bonnefous 2016).

This review further provides support for hypothesis *HSec.1*, and some support for hypotheses *HSec.2* and *HSec.3* by showing that even in the colonial context, an agreed independence referendum where a majority supported independence led to statehood, while it did not in a unilateral process. However, the unilateral process includes two cases where the secessionist movement only claimed part of the existing colonial territory showing the importance of the principle of *uti-possedis* and that the existing legal colonial borders are not to be broken (c.f. chapter I). Finally, these few cases also show the potential precedent-setting property of independence referendums with three secessionist movements having held, or due to hold, two independence referendums.

Reviewing the nature of the relationship between what I call “host-state” and “region”, colonial and territorial mandates over a territory and its people have a very high success rate in obtaining independence. In practice, it is often characterised by a withdrawal of a foreign power from a distant territory which was never fully integrated into the state and central system of governance, and granting state sovereignty to people that were never fully-fledged citizens of the host-state. Presented like this, it is not too surprising to see how on both moral and practical grounds, agreeing to grant independence to such regions and the international community recognition is a likely outcome.

The situation is more complex in today’s world where almost all secessionist movements take place within the host-state continuous territory and when the population within the region constitute an integral part of the state’s citizenry. Accordingly, for reasons of comparability and as a means to control for this “colony” effect on the likelihood of secession, the quantitative analysis performed below exclude cases coded as colony when exploring which variables are associated with the presence of an independence referendum and those affecting the likelihood of secession occurring and support for independence.⁸⁴

IV.1.b. Independence referendums and secession

From 1905 to 2014, 36 independence referendums have been recorded. This is less than previous works on sovereignty referendums which have identified between 45 to over 70

⁸⁴ There was not sufficient data to add Bougainville to this list which is due to have an agreed independence referendum in 2019 (The Economist 2017).

independence referendums (colonies included) since the mid-nineteenth century (e.g. Laponce 2010; Qvortrup 2014b; Mendez and Germann 2016). However, as we have seen in Chapter I and III their definition of independence referendum is sometimes too broad for analytical and comparative purposes. While the dataset used for this study likely has some missing cases within the actual population: some secessionist movements are missing; it applies a much more rigorous definition of independence referendum, and what constitutes an agreed referendum, than previous works enhancing reliability, construct validity and external validity (population and ecological generalisability). With 24 percent of the 141 secession movements in the dataset (excluding colonies), independence referendums are not such a rare event. Among them, 10 (7%) have been identified as consensual process, or “agreed” independence referendums.

Table IV.1 shows the non-colonial secessionist cases outcome. While there is a statistically significant difference in the seceding outcome between cases which have held an independence referendum and those that did not (56% successful secession vs. 12%), and this difference applies to both agreed and unilateral referendums when compared to cases that did not hold a plebiscite, there is no difference in secession success rate between agreed independence referendum and unilateral referendums.

Table IV.1: Independence Referendums and State-Creation

	AGREED REFERENDUM⁸⁵	UNILATERAL REFERENDUM	NO REFERENDUM
SECESSION (%)	60	54	12
NO SECESSION (%)	40	46	88
N	10	24	107

From this simple comparison we can already see that independence referendums may indeed have an impact on secessionism, most importantly of all, the successful creation of a new independent sovereign state. While hypothesis *HSec.3* that having held an agreed referendum leads to an increased chance of having achieved independence is supported, this finding disproves hypothesis *HSec.2* that secession is not more likely to occur if a unilateral referendum was held compared to cases where no referendum was held at all. Before considering further this outcome and notably where the “will of the majority” was

⁸⁵ The percentages are rounded. Figure excludes the second Quebec and South Ossetia independence referendums.

respected, I consider whether the legality of secession can account for this unexpected outcome.

Legality

Of the 36 referendums held, 17 had a constitutional right to secede. Among them only three were agreed referendums, while the other eight referendums were consensual processes where the constitution was silent on the right to secede. This supports hypothesis *HLaw.1* that an agreed independence referendum does not require a constitutional right to secession. Furthermore, among unilateral independence referendums, 14 were held in a region where the host-state constitution stated a right to secession. Only in the case of Catalonia it has been argued that the Spanish constitution prohibits secession (Guibernau 2014, 14). This supports hypothesis *HLaw.2* that a constitution right to secession does not guarantee a consensual independence referendum. I further test the argument of legality in secession by considering whether having a legal right to secession correlates with successfully seceding from the host-state. 88 percent of regions which held an independence referendum where the constitution allowed for the possibility of secession have successfully seceded, while only 21 percent did where the constitution was silent on the matter or forbade it.⁸⁶

Among the 15 cases to have held an independence referendum, had a legal right to secession and successfully secede, 12 were part of the former Soviet Union and Yugoslavia, while South Sudan and Montenegro were also agreed referendums. The only other case to have a unilateral referendum and a legal right to secede and achieving statehood is Iceland in 1944. I hypothesised earlier that secession should take place when a majority of voters support independence in a consensual process, while a unilateral process is not expected to lead to secession, regardless of a majority in favour of independence or legality. In order to test the hypotheses on the differences between agreed referendums and unilateral referendums, I investigate further the correlation uncovered here and consider to what extent the independence referendums were a causal factor in the secessions witnessed in the former Soviet Union and Yugoslavia.

I do not wish to engage in the extensive debate on the causal and contributing factors to the succession of secessionist attempts and ultimate dissolution of the two federations. I

⁸⁶ For a more complete picture and decisive conclusion on the impact of a constitutional clause of secession on the likelihood of achieving statehood, all host-states constitutions in our sample should be reviewed and coded appropriately. I could not undertake this work due to time constraints, data availability (some constitutions cannot easily be found), and interpretability (reliable translation into French or English).

wish to point out instead how the independence referendums are never considered in the process and do not seem to be determinant factors in the successful secession of USSR and SFRY republics. Analysing the complex historical process that led to the plebiscites in both host-states goes beyond the scope of this chapter and further research would be needed to fully appreciate the role of the referendums in these two particular contexts. Nonetheless, the value of the comparative lessons that can be drawn from those two cases in separatism studied has been questioned (e.g. Hale 2008, 250; Sambanis and Milanovic 2011), and I will apply this caution here.

Lithuania was first to hold a successful independence referendum and declare its independence, both of which were not recognized by the Soviet federal government. The two other Baltic states and eventually other eastern republics followed with their own plebiscites and unilateral declarations of independence (UDI). Gorbachev refused to recognise the right of Lithuania to secede and the referendum process and outcome. He declared on March 31, 1990 in a broadcast that Lithuania's declaration of independence would have 'grave consequences' if it failed to be immediately annulled (Eastwood 1993, 318). This reaction went somewhat contrary to the fact that the Union of Soviet Socialist Republics founding treaty of 1922 included a right of secession for each republic, a right then entrenched into the constitution. Furthermore, the annexation of the Baltic states had been ruled contrary to international law by the Congress of USSR People's Deputies in 1989 (Kreptul 2003, 69–70; Murphy 1999, 557–58).

The international community only responded to the Baltics UDI in August 1991. The European Community took the lead and within 10 days the three Baltic states had been widely recognised internationally. None of the major powers and European Community Members, however, used the term "recognition". Instead, all welcomed the "restoration of sovereignty" lost in 1940, while the other republics were the result of *dissolution* and not secession (Rich 1993, 38). In his analysis of the process of recognition, Murphy (1999, 558) does not find evidence that the presence of democratic institutions - or a democratic process that is barely, if at all, mentioned - was a significant factor in promoting foreign recognition (see also Mullerson 1993, 482; and Cassese 1995, 262–64).⁸⁷

⁸⁷ Not all former republics which are now independent states held an independence referendum. Among the 25 secessionist movements referenced within the USSR and SFRY, 14 held an independence referendum and 12 were followed by secession. Among the 25 secessionist movements, 68 percent of the two host-states' regions hosting a secessionist movement have now become a new independent state as opposed to only 13 percent for secessionist movements in other contexts. Secessionist regions within the USSR or SFRY are more likely to secede than in other host-states regardless of whether a referendum took place.

In the former Yugoslavia, the role of the referendums seems to be retrospectively more important, although again not determinant, except maybe for Bosnia-Herzegovina. The Croatian and Slovenian leaderships held unilateral referendums asserting that their right to self-determination vested in both international law and the Yugoslav constitution (Oklopčic 2008, 41). While recognising that ‘it is only up to Yugoslav people to decide on their future’ (Brioni Accord, July 7, 1991), the European Community decided to get involved as the region saw an escalation of violence and called on an arbitration procedure to decide on the future of the SFRY and its constituent units. While the Arbitrary Commission (known as Badinter) did mention the expressed will of the population in the republics to secede, it was never part of the final assessment to decide on whether they should be recognised as it was ruled that the republics had a constitutional right to secede, not the people (Pomerance 1998, 32).

Accordingly, despite also having held an independence referendum with a majority endorsing separation, Kosovo was not recognised as it was not a constituent republic able to claim *utis-possedis* status (Murphy 1999, 562). For Bosnia and Herzegovina, the Arbitrary Commission stated that appropriate guarantees should be provided by the republic for recognition to be considered ‘*possibly* by means of a referendum of all the citizens of the SRBH without distinction, carried out under international supervision’ (Türk 1993 Annex 3. Emphasis added). Soon after the ruling, the European Community expected an independence referendum to be held in order to recognise independence (Caplan 2005, 57). While this referendum was “agreed” by the secessionist actors and the EC acting as the major international actor that could grant recognition at the time, it was not consented by the entity (claiming to) represent the host-state nor one of the three major groups whose sovereign status was to be settled in the referendum. Serbians boycotted the referendum process which was followed by an escalation of conflict.

To conclude, there is still room to consider the possible effect of independence referendums in these two contexts and further research could be undertaken, but what is clear is that they were not the most important factor in explaining the end of the SFRY and USSR. On the other hand, agreed independence referendums as defined in this paper are expected to deliver the last word on whether a region successfully secedes or not and these two host-states should be controlled for when trying to understand the effect of independence referendums on the likelihood of secession. With the exception of republics within the Soviet Union and Yugoslav host-state, the only unilateral referendum to be followed by independence is Iceland in 1944.

Iceland had a legal right to secede from the union it formed with Denmark in the Act of Union of 1918. It allowed the existing union to be re-negotiated after 25 years, and even put an end to it after three years if negotiations failed, provided that a two-thirds majority in the Icelandic assembly (Althing) supported separation and the decision was ratified by three-quarters of the voters in a national referendum. The Icelandic government did not wait for the three-year negotiations period and, while Denmark was under Nazi occupation, passed a new legislation allowing it to declare independence with a simple majority of the electorate endorsing the end of the union with Denmark (Hardarson 1974, 50).

Meanwhile, the Danish government asserted that Iceland should wait for the end of the war to allow for the existing procedure to carry through and refrain from immediate severance as it was not in accordance with the law (Karlsson 2000, 320–21). While the king of Denmark made a final plea against the referendum being held stating the consultation outcome could not be recognised under such circumstances, 99.5 percent of Icelandic voters cast a Yes ballot to abolishing the union with Denmark. On 17th of June the king conceded to recognise the new state, but in Denmark, the government and the population felt betrayed (Hardarson 1974, 53, 110). The referendum process was opposed by the exiled Danish government which argued it to be illegal and that it did not engage with the referendum process. Yet, secession was still very likely since even if Iceland waited for Denmark to be freed from Nazi occupation and followed the existing procedure it could have seceded since the host-state did not ultimately oppose secession itself, but the timing and means through which it happened.

IV.1.c. When is the “will of the people” determinant?

When controlling for the referendums held in the former Soviet and Yugoslav federations, there is no longer a statistically significant difference in success rate in achieving statehood between cases which have held a unilateral independence referendum and secessionist movements which did not ($n=10$, 11 with the repeated South Ossetia plebiscite). Having held an agreed independence referendum, however, is still associated with greater odds of achieving independent statehood compared to secessionist movements which never held a plebiscite or a unilateral referendum. Likewise, having a legal right to secede is not correlated with having successfully seceded when excluding the USSR and SFRY, regardless of whether the referendum was unilateral or agreed confirming hypotheses *HSec.2*, *HSec.3*, *HLaw.1* and *HLaw.2*, and ultimately hypothesis *HSec.4* that a unilateral independence referendum does not result in secession, even if a

majority of voters endorse independence, and even when there is a constitutional right to secede, with the notable exception of Iceland in 1944.

Support for independence in the 36 referendums recorded here stands on average at 84.4 percent (median 96%), with the minimum support in the Montenegrin independence referendum from Yugoslavia in 1992 standing at 3.14 percent. This referendum is an outlier in the current sample as the only referendum boycotted by the pro-independentist side. Accordingly, this referendum will also be accounted for in the following analysis by running all models including it, and then excluding it to ensure it does not overly influence the results. The maximum officially recorded Yes support for independence stands at a 100 percent in the 1945 Mongolian People's Republic independence referendum (Outer Mongolia region formally part of China).

This referendum is not only an exception in its result, but also in how it came about. Outer Mongolia was already a de-facto state still claimed by China. Mongolia was granted recognition by China following a plebiscite under an agreement reached with the Soviet Union in August 1945 which had control of the region since the 1920s (Ballis 1951, 172). The Mongolian People's Republic welcomed the opportunity and, with oversight from the soviets, organised a referendum on independence. This official result contrasts with Soviet official documents which reported irregularities such as foreign nationals voting, but it has not been possible to get a more accurate estimate (Radchenko 1945).

Among unilateral independence referendums support for secession stands on average at 90 percent (SD 20%) vs. 70.8 percent (SD 25 %) for agreed independence referendums. Since the data are negatively skewed a nonparametric test - Independent Sample Kruskal Wallis Test - was conducted and showed the difference between the two types of referendums is not statistically significant.⁸⁸ When breaking down support for independence according to whether the region successfully secedes or not it becomes clear that the "will of the people" does not necessarily determine statehood in independence referendums. Within the 19 referendums that did not lead to independence support for independence among the population consulted stands at 76 percent. It is higher at 92 percent for the independence referendums that were followed by the successful secession of the region and international recognition.⁸⁹

⁸⁸ A standard independent t-test shows statistical significance at the 95 percent confidence interval. The figures drop to 60 and 80 percent support for independence out of the total eligible electorate (accounting for turnout).

⁸⁹ The difference between whether the region seceded or not is statistically significant in a standard t-test but not in a non-parametric test.

Where a unilateral independence referendum was followed by statehood, support for independence stood at 93 percent (SD 7%) which was not found to be statistically significantly different from those that were not followed by secession shortly after (87%, SD 28%).⁹⁰ This further supports hypothesis *HSec.4*. On the other hand, agreed independence referendums which have led to secession have an average Yes vote in favour of secession of 88.7 percent (SD 18%), while among those which did not result in statehood support is just below the simple majority: 49.4 percent (SD 8%). The difference in support for independence between agreed independence referendum and their secessionist outcome is statistically significant at the 95 percent confidence interval, demonstrating that in consensual referendums the “will of the people” is overall determinant.⁹¹ The difference between the two is even more pronounced when accounting for turnout: 84 percent where secession occurred vs. 38 percent where the region is still part of the host-state. Hypothesis *HSec.5* is therefore supported: An agreed independence referendum results in a successful secession if a majority of voters endorse independence, even if it does not have a constitutional right to secede.

Although this last hypothesis is supported by the quantitative review, there are two exceptions. Despite 62 percent of Nevisians voting in favour of independence in 1998, Nevis is still part of the federation with St Kitts. A two-thirds majority was required for the referendum to be approved under the constitutional clause that gave the island of Nevis a legal right to secede. The result was not contested by the 2427 voters who casted a valid ballot in favour of independence out of almost 6800 eligible electors.⁹²

In 1946, the Faroes voted 50.73 percent in favour of separating from the Kingdom of Denmark. The Danish government had agreed to the referendum and despite being taken by surprise by the resulting narrow majority, it was inclined to conceding to independence (West 1972, 187–88). The Faroes Government declared independence on the 17th of September. Yet, with a difference of 161 votes between the valid Yes and No ballots, which when accounted for, put the total support for independence at 47.2 percent with a turnout of 67 percent, and internal division between and within political parties in the Faroes on how to proceed, the Faroes parliament was dissolved. New elections brought a pro-union party into power which two years later secured more autonomy (Adler-Nissen

⁹⁰ Support goes down to 78% vs. 71% when run on the total yes votes adjusted to the total number of eligible voters.

⁹¹ This can also be observed in a t-test and non-parametric test when removing the second Quebec referendum.

⁹² Two-thirds of the members of the Nevis Island Assembly also had to validate the referendum result (*Constitution of Saint Christopher and Nevis* 1983, Art. 113). For a review of the Nevis independence movement and referendum see Midgett (2004, 2005) and Veenendaal (2013, 2015).

2014, 5; Kjørsvik 1991, 40–41). A referendum on independence was planned for May, 26th 2001 but was cancelled due to disagreements between the Faroese negotiators and the Danish government.⁹³ The Faroes people are expected to vote in a referendum on April 2018 which would assert their right to independence and that they should be consulted by referendum about questions related to independence or further integration with Denmark (Spongenberg 2017).⁹⁴

The two Danish outliers, Iceland and the Faroe Islands, suggest that the perceived right and legitimacy of secession and the referendum process matter and may be ultimately determinant despite what the constitution or a consensual referendum result says. The overwhelming support for independence in Iceland, and its lack in the Faroes which lead to both Danish and a majority of Faroes politicians to declare the result inconclusive, indicate that the will of the people, when clear and combined with an implicit or explicit acceptance from the host-state (either officially stated or entrenched in a legal agreement), can be determinant. Yet, the Danish government was surprised by the slim majority support for independence in the Faroes and it is likely that it consented to the referendum because it was confident that the secessionists would not win. Furthermore, the Faroes' politicians were divided on the use of the referendum, and some endorsed its holding in the hope to secure more powers, not independence (Ackren 2006).

We cannot yet exclude the possibility that the cases which have held an independence referendum were more likely to successfully secede in the first place, irrespective of the referendum. On the other hand, an agreed independence referendum might be more likely, because support for secession is low, and therefore a secessionist victory unlikely. In order to understand how an independence referendum can affect the likelihood of secession, we need to account for where they are more likely to occur and why.

IV.2 Where do Independence Referendums occur?

I start the analysis by a series of bivariate tests on the key variables identified in chapter II related to either the *capacity* or *incentive* (existing support) to call and hold an independence referendum from the secessionist actor's perspective. The descriptive statistics are detailed in Table IV.2. From this basic overview, two contextual variables seem to set apart secessionist regions which have held an independence referendum from

⁹³ Independence was argued to be too “costly” as Denmark did not allow for any transition period (Ackren 2006, 227).

⁹⁴ The Icelandic government advises the Faroese government on matters regarding independence (Adler-Nissen 2014, 23; Bergmann 2014).

regions which did not held a plebiscite: being part of an ethnic-federation and having the distinct regional population representatives in government in the region.

The bivariate analysis, therefore, does not provide support for the ten hypotheses on where referendums are likely to occur (*HRef*), except for Hypotheses *HRef.7* that independence referendums are more likely to occur in ethnic-federations and *HRef.8*, where the region's distinct population representatives dominate the regional government, but for agreed independence referendums only. Almost 70 percent of all referendums referenced here have taken place in sub-national territorial and jurisdictional units inhabited by a distinct cultural group, as opposed to only 32 percent among regions which did not have an independence referendum. 70 percent of agreed independence referendums also took place where the distinct cultural group representatives were in government in the region, whilst in regions which did not hold a referendum, it is 25 percent.

These hypotheses are further tested and kept as controls in a series of logistic regression models with whether a referendum was held or not as the dependent variable (Tables IV.3). Three models were run: first with the full sample (excluding colonies) and adding a control for whether the region is part of the former Soviet Union or Yugoslavia. To control for their over-representation and resulting multicollinearity, they are removed in the second model. In the third, the region's relative wealth is added. The same logic was applied to investigate where agreed independence referendums, in particular, occur, and adding variables hypothesised to be associated with the presence of this type of referendum in particular in chapter II.

I first test Hypotheses *HRef.1*, 2, 3 and 4 that an independence referendum is more likely to be held where the population is culturally distinct from the host-state population⁹⁵; less likely however the longer the region has been part of the host-state; or if violent confrontations occurred between the region and host-states; and finally, more likely at times of political instability. I enter these variables as a block and find that only whether violence occurred is a marginally statistically significant predictor of an independence referendums having been held ($p>.10$). When controlling for identity, length of the union and regime durability, a region which has experienced violence as a result of its secessionist movement might be less likely to have held an independence referendum.

Controlling for the societal-related variable above, I add political factors: the level of democracy, predicted to increase the chances of an independence referendum taking place (*HRef.5*) (although it can paradoxically decrease support); whether power-sharing is in

⁹⁵ For instance, Western Australia's population was not culturally distinct (in language or religion) from the rest of the host-state in 1933.

place as it is expected to lessen support for independence and therefore make secession less likely, and decrease the appeal of holding a referendum (*HRef.6*); whether the region hosting a secessionist movement is part of an ethnic federation (*HRef.7*), expected to increase the likelihood of witnessing a referendum; and finally whether the region's culturally distinct population representatives dominate the regional government (*HRef.8*). The model is considerably improved by adding political factors with a Nagelkerke R Square of .21 as opposed to .05 when considering societal factors alone. This improvement is due to the variable accounting for whether the region hosting the secessionist movement is part of an ethnic federation. Being part of an ethnic federation is associated with four times greater odds of having held an independence referendum than a region which is not part of this form of territorial arrangement.

The model is completed by introducing economic variables, except for the region's relative wealth compared to the host-state (*HRef.11*). The introduction of variables accounting for the Host-state GDP per capita and the size of the regional population does not substantially amend the model, with neither of them being predictors of referendums when controlling for societal and political factors. There is, therefore, no grounds to support Hypothesis *HRef.9* that independence referendums are less likely to occur in richer hosts-states and *HRef.10* that independence referendums are more likely to be held in more populous regions.

In addition to these variables, I also control for whether the region was part of the former Soviet Union or Yugoslavia to account for possible demonstration and domino effect in holding independence referendums and the fact that they account for 40 percent of all independence referendums held in the dataset. This control proves to be the strongest statistically significant predictor of witnessing an independence referendum: a region has 5 times greater odds of having held an independence referendum if it was part of the former USSR or SFRY when controlling for societal, political and economic factors linked to support for independence. Furthermore, in addition to being part of an ethnic-federation still being associated with three times greater odds of having held a referendum, having representatives of the culturally distinct group in the regional government and National GDP per capita become marginally statistically significant ($p > .10$).

Table IV.2: Summary statistics and bivariate review of secessionist movements profile

			No Referendum	Referendum	Unilateral Referendum	Agreed Referendum	
Societal Factors							
	Host-state level measure	Length of union (years)	71.29 (n=97)	77.17	61.92	113.3	
		Regime durability (years)	29.28	22.86	16.29	30.9	
	Region/Group level measure	Distinctiveness - share both language and religion (%)	39.3	36.1	37.5	40	
			In one dimension (%)	39.2	47.2	41.7	50
			In two dimensions (%)	21.5	16.7	20.8	10
		Violence – Yes (%)	63.6	47.2 ^(*)	50	40	
Political Factors							
	Host-state level measure	Level of democracy (Polity IV average score)	2.51	2.22	1	4	
		Ethnic-federation – Yes (%)	31.8 ^{**} (#)	69.4 ^{**}	75	60 ^(#)	
	Region/ Group level measure	Power-sharing – Yes (%)	29	41.7	37.5	50	
		Regional government – Yes (%)	25.2 ^{##}	33.3	16.7 ^{###}	70 ^{###} ^{##}	
Economic Factors							
	Host-state level measure	National GDP per capita (average)	6734 (n=105)	5858	5156	6273	
	Region/Group level measure	Regional population (in thousands)	6587 (n=96)	6572	5091	10715	
		Ratio regional population to host-state population (%)	9 (n=96)	9.8	7.9	14	
		Regional GDP per capita relative to host-state (proportion)	.8 (n=67)	.9 (n=30)	.96 (n=19)	.82 (n=9)	
Total n (see parentheses ‘n’ for updated sample size for each variable and category)			107	36	24 (controlled for SO2)	10 (controlled for Q2)	

^{**}, ^{*}, ^(*) Statistical significant difference (p>.01, p>.05) or marginally (p>.10) between No Referendum and Referendum Held. [chi-square, independent samples T-test and Kruskal-Wallis Test].

^{###}, ^{##}, ^(#) Statistical significant difference (p>.01, p>.05) or marginally (p>.10) between Unilateral Referendum and Agreed Referendum. [chi-square, independent samples T-test, Kruskal-Wallis Test].

^{##}, [#], ^(#) Statistical significant difference (p>.01, p>.05) or marginally (p>.10) between No Referendum and Agreed Referendum. [chi-square, independent samples T-test and Kruskal-Wallis Test].

In order to control for the dissolution of the former Soviet Union and Yugoslavia and limit the problem of multicollinearity, I remove those cases from the sample in Model R.II. Among societal variables having experienced violence is again marginally statistically significant with decreased odds of having held an independence referendum (*HRef.3*). Controlling for political and economic factors reveals that ethnic-federalism is marginally significant and associated with 3.1 greater odds of witnessing a plebiscite on independence.⁹⁶ I also tested for possible interaction effects here such as cultural distinctiveness with violence (potential “hardening” of identities as suggested by the literature in chapter II), distinctiveness and the length of the union or being part of an ethnic-federation, but none of them showed substantial alterations to the model.

In the last model (R.III) I add the region’s relative wealth compared to the host-state. This considerably reduces the sample size with almost 57 percent of the sample (excluding USSR/SFRY cases) missing (c.f. chapter III for resulting bias). While none of the societal variables by themselves proved statistically significant, being part of an ethnic-federation is once again statistically significantly associated with greater odds of having held a referendum compared to regions which are not part of this specific territorial set-up. Moreover, having the regional group representative in the regional government is also marginally significant when controlling for other political, societal and economic variables associated with increased or decreased support for independence in the secessionist literature. It seems, overall, that institutional capacity and political opportunity are the most likely predictors of an independence referendum being held as opposed to incentives to secede, although a more in depth qualitative review is needed to test these hypotheses further.

⁹⁶ It becomes statistically significant when controlling for the Nagas referendum, and/or the two repeated referendums in Quebec and South Ossetia.

Table IV.3: Referendum held – Logistic regression

	Model R.I		Model R.II Excluding USSR/SFRY		Model R.III Excluding USSR/SFRY	
<i>Explanatory variable</i> (Compares characteristic stated vs. absent)	Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.
Population culturally distinct in language and/or religion	-.01	.51	.41	.62	.22	.88
Length of union	.01	.01	.01	.01	.01	.01
Violent conflict	-.25	.54	-1.04	.68	-.59	.80
Regime durability	-.43	2.15	-.99	2.33	-1.81	2.79
Level of democracy	.68	1.09	.85	1.18	-1.48	1.63
Power-sharing	.74	.54	.22	.61	.81	.91
Ethnic-federation	1.31	.56*	1.14	.60(*)	1.96	.76*
Regional government	1.02	.58(*)	.80	.59	1.20	.73(*)
National GDP per capita	-4.43	2.36(*)	-3.77	2.38	-3.09	2.73
Regional population	-1.70	1.95	.31	3.58	-.44	4.05
USSR/SFRY member	1.67	.74*				
Regional GDP per capita/National GDP per capita					-3.44	3.25
Constant	-2.40	1.09*	-1.90	1.21	-.25	2.03
N	120		96		67	
Nagelkerke R Square	.292		.217		.329	

(*) p>.10, * p>.05, ** p>.01

IV.2.a. Agreed referendums

Incentives to secede among the population, and therefore support for secession may still play a role in whether the referendum is a consensual process. In addition to the capability and incentives variables, I will test here the variables hypothesised to specifically relate to the referendum being consented to by the host-state. We should keep in mind that some of the variables identified to increase the incentives to hold a referendum because they are associated with increased support may work in the opposite direction and make an agreed referendum less likely as it is more likely to result in a majority in favour of independence.

I repeat the same model used for investigating when an independence referendum is likely to take place and run it on the dichotomous outcome: agreed independence referendum held = 1, no agreed referendum held = 0. In this first model in Table VI.4, Model A.I, only the regional groups' representative being in power at the regional government is found to be a statistically significant predictor of an agreed independence referendum being held (10 times greater odds of witnessing a consensual plebiscite than a region which does not have the distinct population representatives in power). In addition, when the two economic variables are added, the length of the union becomes marginally significant and associated with greater odds of witnessing an agreed independence referendum, along with the national GDP per capita associated with decreased odds of having held such referendum the richer the host-state is ($p > .10$).

However, when adding a control for the Soviet and Yugoslav host-states, or removing them from the sample it is not statistically significant and the Wald statistic is halved. On the other hand, being part of an ethnic-federation becomes statistically significant at the 90 percent confidence level.

In the Second model, in addition to removing the Soviet and Yugoslav cases to reduce multicollinearity, I add two variables which have been identified as potentially relevant contextual factors when dealing with an agreed independence referendum. First, in addition to controlling for the population size (*HRef.10*), I also consider the size of the regional population relative to the host-state (*HRefA.2a*) expected to make an agreed independence referendum more likely. I also add dummy variables accounting for whether the host-state faces multiple secessionist movements (*HRefA.2c*). These two hypotheses are not supported when controlling for societal, political and economic variables associated with incentives or the capacity to secede. Having representatives in the regional government remains significant and associated with an increased chance of holding an agreed referendum. Adding the region's wealth relative to the host-state

(Model A.III) results in regional government representation only being significant at the 90 percent confidence level.⁹⁷

Model A.IV follows Model A.II again but uses firth-logit to correct for a possible small-sample and rare-event biases which fail to detect significant variables. The firth-logit shows the presence of representatives at the regional level as the only, marginally significant, predictor of agreed referendums. The advantage of using this test is the slightly smaller confidence intervals than in a standard logistic regression.

Finally, while it is not possible to test hypothesis *HRefA.3* that an independence referendum is more likely to occur if international actors (Great Powers or international organisation) have intervened in the secessionist conflict on the whole sample, the residuals from these series of regressions help provides some indication that it may hold true to some extent. The only three cases that show standardised residuals above 2 standard deviations are Eritrea, South Sudan, and especially East-Timor. A possible explanation for why the current model fails to predict these referendums, in particular, might be that they were unlikely to hold an independence referendum – whether agreed or not – without external intervention to facilitate the referendum process and act as ‘brokers’ or ‘mediators’ (I. Svensson 2007).

To summarise, there is no indication to support *HRefA.1* that a host-state government will consent to an independence referendum being held if support for secession is low (operationalised as the opposite of hypothesis *HRef.1* to *HRef.11*, expect for *HRef.5* on democracy). It is also particularly difficult to test *HRef.2* that a host-state government is more likely to consent to an independence referendum being held if it deems costs of retaining the territory and population outweigh the benefits in the multilevel statistical analyses. *HRefA.3* is partially supported if we account for outliers, and a possible missing variable in the model: international involvement could make an independence referendum more likely to be held and agreed upon. Further investigation is required, especially when it comes to potential internal pressure in consenting to a plebiscite and the perceived cost/benefits.

⁹⁷ Controlling for outliers, notably the second Quebec referendum, does not change these findings.

Table IV.4: Agreed referendum held – Logistic regression and Firth-logit

	Model A.I		Model A. II Excluding USSR/SFRY Cases		Model A.III Excluding USSR/SFRY Cases		Model A.IV Firth-logit	
<i>Explanatory variable</i> (Compares characteristic stated vs. absent)	Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.
Population culturally distinct in language and/or religion	.02	.920	-.15	.988	-.501	1.15	-.18	0.77
Length of union	.01	.01	.01	.01	.02	.01	.01	.01
Violent conflict	-1.33	.94	-.84	1.09	-.45	1.29	-.79	0.86
Regime durability	.36	3.16	-.06	3.33	1.20	3.60	.35	2.7
Level of democracy	-.46	1.72	-.29	1.87	-2.10	2.53	-.29	1.51
Power-sharing	.73	.93	.58	.99	.75	1.25	.35	0.75
Ethnic-federation	1.66	.86(*)	1.68	.92(*)	1.62	1.00	1.16	0.73
Regional government	1.77	.87*	2.00	.94*	2.02	1.12(*)	1.34	0.73(*)
National GDP per capita	-3.96	3.44	-4.26	3.79	-5.58	4.04	-2.63	2.83
Regional population	4.73	4.67	3.56	5.45	-.72	5.95	3.06	4.31
USSR/SFRY member	-20.72	7096.1						
Proportion regional population/host-state			1.46	2.32	3.05	3.08	1.09	1.87
Host-state faces more secessionist movements			-.50	1.12	-.14	1.35	-.34	0.90
Regional GDP per capita/National GDP per capita					-3.75	4.64		
Constant	-3.16	1.77(*)	-3.49	1.99(*)	-.92	2.81	-2.37	1.49
N	120		96		67		96	
Nagelkerke R Square	.419		.393		.364		-	

(*) p>.10, * p>.05, ** p>.01

Overall, none of the variables directly associated with support on its own such as cultural distinctiveness or the region's economic wealth have been identified as predictors of independence referendums. The only variables that may hold some explanatory power for where an independence referendum is held, and an agreed independence referendum is held, in particular, are more closely related to institutional factors that can facilitate the calling and holding of an independence referendum: ethnic-federalism and regional government power.⁹⁸ Paradoxically, these institutional features that make the holding of an independence referendum more likely to take place may decrease support for secession, while where they are absent support for secession may be higher. Other scholars (e.g. Roeder 2007; Brancati 2006) would argue the contrary, such institution fuels organisations against the host-state. This quantitative review, therefore, remains inconclusive as the dynamics behind holding an independence referendum are likely to be too complex and context-dependent for a quantitative review to be able to shed light on the phenomenon. Nonetheless, to complete this analysis I consider these models on where referendums are more likely to occur and the likelihood of successful secession taking place reviewed above in combination.

IV.2.b. Independence referendums and the likelihood of secession

A last set of models are run, this time using whether secession occurred (1) or not (0) as the binary dependent variable. In the first model shown in Table IV.5, I run the same model as model R.I and A.I, by first running societal variables as a block. Whether violence occurred and regime stability are found to be associated with decreased odds of seceding. Their effect remains when controlling for political and economic variables, and being part of an ethnic-federation is statistically significant at the 90 percent confidence level, with increased odds of having seceded. When controlling for whether the cases are part of the former Soviet Union or Yugoslavia, only this latter variable is a significant predictor of having seceded. Being part of this host-state leads to 12 times greater odds of having achieved statehood than being part of another host-state. Furthermore, National GDP per capita is also marginally statistically significant with a higher GDP per capita associated with decreased odds of seceding.

⁹⁸ Furthermore, to further test the two sets of models on where independence referendums occur, and agreed ones in particular, I also ran all models keeping USSR/SFRY cases and adding a binary control for them but removed the variable on national GDP per capita as it is the most sensitive variable to multicollinearity here, and only used relative wealth as an economic variable for wealth (n=89). The results proved to be very similar throughout the models with only ethnic-federalism and regional government being significant or marginally significant predictors. When adding the controls for repeated referendums and potential outliers the findings are fairly robust.

In the second model, I run the same variables but this time add in turn whether a referendum was held, and secondly, whether this referendum was an agreed process. When adding the first control for whether a referendum occurred or not, the latter is statistically significant and associated with increased odds of witnessing secession. However, being part of the former USSR or SFRY still shows the greater odds of having successfully seceded, controlling for societal, political and economic factors – none of which are statistically significant. Adding whether the referendum was agreed or not (shown in Model Sec.II) renders the presence of a referendum (whether unilateral or agreed) statistically insignificant, while being part of the former Soviet Union or Yugoslavia remains the only predictor of a successful secession ($p > .01$).

Model Sec.III shows the same model but without cases in the former Soviet Union and Yugoslavia in the sample. The presence of violence as a result of the secessionist movement remains associated with decreased odds of having achieved statehood compared to regions which did not experience conflict ($P > .05$) and remains so throughout. States which have a higher GDP per capita are also less likely to have had a region secede while more populous regions have increased odds of having achieved statehood, but both are only statistically significant at the 90 percent confidence level. The addition of whether a referendum was held or not does not prove to be statistically significant, and only whether violence occurred remains a predictor. Having held an agreed independence referendum leads to greater odds of having seceded than if a unilateral referendum or no referendum was held when controlling for societal, political and economic factors.⁹⁹

In model Sec.IV the sample size is considerably reduced and having held an agreed independence referendum is not associated with increased odds of having successfully seceded while being in a richer host-state as measured by its GDP per capita leads to decreased odds of having achieved statehood along with having experienced conflict. To test whether these findings are linked to the addition of this variable or are the result of the restricted sample size, I ran the same model without the cases where data on regional GDP per capita is missing. Running the same model on the same restricted sample gives very similar results than when relative wealth is accounted for. Accordingly, it seems that an agreed independence referendum not being associated with greater odds of seceding is more likely to be the result of the restricted sample than the economic status of the secessionist region.

⁹⁹ Removing the Catalan referendum does not change the results. When removing the Nagas referendum and/or the second Quebec and South Ossetia referendums, cultural distinctiveness becomes marginally significant ($p > .10$) with greater odds of having seceded (5.8). Three outliers can also be identified: Slovakia, Namibia and Iceland.

To conclude, controlling for factors found in the literature to increase or decrease support for secession and increase the capability of secessionist actors to stand against the host-state, holding an agreed independence referendum increases the likelihood of achieving independence. An agreed independence referendum is, therefore, a mediator, making secession possible where a majority of the electorate supports independence. Yet, could the referendum process also be a moderator and increase the likelihood of secession occurring by increasing support for secession where a majority previously lacked? In order to fully test this hypothesis, before and after polls would have been needed, but such data is not available (c.f. chapter II and III). Looking at the contextual settings of states, regions and populations which have held an independence referendum and the level of support for independence expressed during the referendum can still give a clue as to when the referendum might have had a mediating or moderating effect.

IV.3 Support for Independence

In order to analyse where an independence referendum can potentially affect the existing level of support for secession, I ran a series of bivariate tests on the percentage of Yes votes in favour of independence in the 36 independence referendums under study.¹⁰⁰ This is used as an indication of which factors are associated with increased or decreased levels of support for independence. Notably, I wish to identify variables associated with very low or high support (operationalised as lying somewhere below 30 or above 70 percent) where the referendum process is unlikely to have been able to determine the referendum outcome, although it may still have affected the level of support witnessed.

We should be careful however when drawing conclusions from unilateral referendums, and even some agreed referendums, as they lack a free and fair procedure that would guarantee that the witnessed outcome is the genuine reflection of the electorate – or the inhabitants of the region affected depending on the franchise and who participates. Nonetheless, agreed referendums, especially in established democracies, are more likely to be a more genuine reflection of “the will of the people”, albeit not perfect.

¹⁰⁰ Recall: The analysis excluded the Montenegrin referendum of 1992, and the Yes result adjusted for turnout excluded Nagas.

IV.3.a. Support for independence in referendums

From the bivariate analysis (Table IV.6), five variables show the percentage of support associated with them being almost systematically over 70 percent across the independence referendums, controlling for whether they were agreed process, outliers and including and excluding USSR and SFRY cases. Among regional populations that are distinct in either language and/or religion from the rest of the host-state, mean support for independence stands above 70 percent. Although, it is only statistically significantly different from regions which share both characteristics when running the analysis on the percentage of Yes vote adjusted for turnout among agreed referendums. Political variables are more robust predictors of high levels of support, such as whether the host-state is a democracy, power-sharing is in place, or the region's distinct population dominates the regional government. When such forms of political representations are missing, support for independence stands above 70 percent. Furthermore, the presence of violence shows the most consistent association with very high levels of support for independence (above 90 percent), even when controlling for turnout and outliers. Lowest mean support for independence is found within democracies and where the population shares both language and religion with the rest of the host-state (around 53% mean Yes votes).

This simple review provides some support for the assumptions laid out in chapter 2. *HSup.2* anticipated that support for independence will be high among an electorate which has experienced violent conflict and/or lacks access to political representation. In this context, the referendum would act a mediator, facilitating secession, but not so much as a moderator and substantially affect existing support for secession and the likelihood of seceding. Furthermore, the host-state's Polity IV score and GDP per capita are correlated with lower levels of support for secession (moderately strong relationship using Spearman's rho). The effect of violence on support is fairly consistent in the multivariate regression analysis (Table IV.7). Other continuous variables such as the length of the union are not correlated with support for independence measured by the percentage of Yes votes in a plebiscite.

Table IV.5: Referendums and the likelihood of seceding – Logistic regression

	Model Sec.I		Model Sec.II Adding Referendum Held & referendum Agreed		Model Sec.III Adding Referendum Held & referendum Agreed Without USSR/SFRY cases		Model Sec.IV – Adding relative regional wealth to Sec.III	
<i>Explanatory variable</i> <i>(compares characteristic stated vs. absent)</i>	Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.
Population culturally distinct in language and/or religion	.78	.58	.89	.63	1.73	.99	.02	1.12
Length of union	.01	.01	.00	.01	-.00	.01	-.00	.01
Violent conflict	-.79	.60	-.75	.65	-2.59	.99**	-4.85	1.89**
Regime durability	-1.55	2.74	-1.15	2.90	2.13	3.70	7.20	4.54
Level of democracy	.72	1.16	.79	1.28	-.07	1.44	-1.58	2.16
Power-sharing	.07	.60	-.13	.66	-1.21	.87	-1.86	1.31
Ethnic-federation	.40	.62	-.12	.71	-1.42	1	-1.88	1.19
Regional government	.36	.64	-.10	.76	-.35	.85	-1.89	1.35
National GDP per capita	-5.99	3.08(*)	-4.79	3.32	-6.45	3.88(*)	-13.01	5.44*
Regional population	.21	1.87	.48	1.90	6.82	4.35	9.29	5.88
USSR/SFRY member	2.52	.82**	2.73	.98**				
Regional GDP per capita/National GDP per capita							.97	4.14
Referendum Held			.90	.65	-.90	1.29	1.52	1.70
Referendum Agreed			1.68	.99(*)	4	1.65*	2.54	1.85
Constant	-1.92	1.22	-2.20	1.36	-.50	1.48	4.43	3.15
N	120		120		96		67	
Nagelkerke R Square	.401		.482		.469		.629	

(*) p>.10, * p>.05, ** p>.01

The referendum design, notably the presence of quorum does not seem to affect the level of support for independence. Whether an endorsement or turnout quorum is in place is not associated with statistically different Yes means. Levels of turnout are also not statistically significantly different according to whether there was a quorum in place or not with an average of 86 and 84 percent of the electorate participating in the consultation. Only six cases required a special majority in favour of independence ranging from 55 percent of the electorate (Montenegro) to 66.7 percent (Kosovo). We, therefore, fail to reject the null hypothesis and find evidence to support hypotheses *HSup3* and *HSup4* that the presence of quorums on turnout or endorsement will decrease support for independence or invalidate the Yes votes and make it more difficult to achieve secession (with the exception of St Kitts and Nevis in 1998).

While the unilateral referendum in New Caledonia and Catalonia, and the agreed plebiscite St Kitts and Nevis had a turnout below 60 percent, low turnout does not seem to be a major concern in independence referendums. This can be explained in part by the fact that not all referendums are necessarily democratic processes and their outcome - both in terms of Yes votes and turnout - are not an accurate representation of participation levels and endorsement and should be studied with caution. Nonetheless, accounting for turnout remains important. When considering the percentage of Yes votes, adjusting for turnout, the mean Yes vote among cases where secession did not occur stands at 63 percent compared to 86 percent when a new-state emerged (80 percent average turnout in the first case and 95 percent in the latter); a statistical difference which is not detectable when only focusing on the official Yes votes without accounting for turnout, except among agreed independence referendums (see also Figure IV.1).

Our ability to consider the effect of the campaign on support for independence in a comparative perspective is very limited given the lack of polling data prior to the referendum. Using a bivariate analysis, I consider if longer campaigns are associated with increased support for independence as they would offer more opportunities to mobilise voters to achieve statehood (*HSup5*). The bivariate analysis shows a negative correlation. Longer campaigns are correlated with decreased support for secession. However, this relationship is not robust when looking solely at unilateral referendums, or in agreed independence referendums when accounting for turnout. We should therefore be careful in interpreting this result. It could be that secessionist actors who call an independence referendum favour a longer campaign as a way to mobilise support because support is low in the first place, and the length of the campaign itself does not have an effect on existing support for independence itself.

A similar problem of causality can be seen when trying to assess the impact on a No side campaign. Following hypothesis *HSup6*, I expect a No side campaign to reduce support for independence and therefore the likelihood of securing statehood. This measure, strongly correlated with an agreed process, is indeed associated with decreased support for secession. The multivariate linear regression also confirms this effect (Table IV.7). We cannot exclude however the possibility that a No side campaign is more likely to be present because support is still low in the first place and opponents to secession wished to ensure that support remains low and the independence referendum is laid to rest following a No victory.¹⁰¹ While it is also where it is more likely to potentially make a difference, it is not possible to assess the No campaign effect without knowledge of levels of support for independence prior to the plebiscite being called.

I ran a linear regression to have a general idea of how the variables investigated in Table IV.6 perform when considered together. Given the small sample size, the interpretation needs to be very cautious. S.I notably, which chooses the presence of violence to be the only consistently significant variable associated with higher levels of support ($p > .05 - .10$), suffers from multicollinearity due to the over-representation of the USSR and SFRY host-state (GDP per capita in particular). Removing them in S.II considerably alleviates this problem and the regression standardised residual and PP plot shows that the model performs relatively well despite the small sample size.

The presence of violence remains significant, or marginally so, throughout and associated with increased support for independence until the control for the level of democracy of the host-state is added. Referendums which are an agreed process are associated with lower levels of support for secession; which is what we would expect given some of the hypotheses on why a referendum would be consented by the host-state. Controlling for whether the referendum was an agreed process, however, stretches the model due to the accumulation of factors linked to the presence of such referendums. Adding variables on the referendum design only the No side campaign presence is a significant factor in the model in explaining support for independence, showing a negative relationship. However, when running the same model on the total Yes votes in favour of secession adjusted for turnout ($n=21$ in Model S.2), it is no longer significant, while the presence of violence is ($p > .05 - .10$).

¹⁰¹ The review of agreed referendums which have a No side campaign confirms this bias with the two referendums having the highest official Yes support for independence (Mongolia and Norway) missing a No side campaign.

Table IV.6: Support for Secession in independence referendums – Bivariate

		Yes % All Referendums	Yes % All Referendums- USSR/SFRY excluded	Yes % Unilateral Referendums - USSR/SFRY excluded	Yes % Agreed Referendums
Societal Factors	Distinctiveness - share both language and religion	72.2 *% ²	67.9*% ²	87.6	53.2(%)
	Distinctiveness – have different religion and/or language	91.3 *% ²	90.2*% ²	97.2	81(%)
	No Violence	74.2*% ²	68.1*% ²	86.6	57.5*%
	Violence	95.7*% ²	97.3*% ²	99.1	92.5*%
	Host-state is a democracy	77.3	77.3(*)	93.4	53.2*% ²
	Host-state is not a democracy	89.4	94.3(*)	99.9	92.1*% ²
Political Factors	Not Ethnic-Federation	90	90	94.7	82
	Ethnic-federation	82	75	94.3	64.5
	No Power-sharing	93.5*%	93.8*%	99.5%	85.8(*)
	Power-sharing	71.7*%	69.4*%	85.9%	58.4(*)
	Region's distinct group representative not in regional government	91.2(*)	97.1(*)	99.1	92.4(%)
	Region's distinct group representative in regional government	70.9(*)	70.7(*)	86.6	62.8(%)
Referendum Design	No Quorum	84.1	83.6	94.1	70.4
	Quorum (either endorsement or turnout)	85.9	78.9	99.5	72
	Yes-side campaign only	91.3*%	97.8*	97.3	99.9* ²
	Yes and No side campaigning	73.5*%	64.6*	66.2	64.4* ²
Total n (see parentheses 'n' for updated sample size for each variable and category)		36	22/21 (controlled for SO2)	11/10 (controlled for SO2)	11/10 (controlled for Q2)

*Significant non-parametric test.

% Significant when accounting for turnout (total Yes/eligible electorate).

² Significant when removing repeated referendums.

- Controlled for Catalonia.

Tables IV.7: Support for secession in independence referendums – Linear Regression

	Model S.I		Model S.II Excluding USSR/SFRY		Model S.III Excluding Unilateral Referendums		Model S.IV Excluding USSR/SFRY	
<i>Explanatory variable (Compares characteristic stated vs. absent)</i>	Unstanderdised coeff.	s.e.	Unstanderdised coeff.	s.e.	Unstanderdised coeff.	s.e.	Unstanderdised coeff.	s.e.
Population culturally distinct in language and/or religion	12.87	7.87	11.40	5.94(*)	11.94	10.30	7.56	7.05
Violent conflict	9.69	7.33	8.65	6.08	3.51	13.17	13.79	8.08
Level of democracy	-6.31	17.69	-16.14	11.27	-40.26	23.81	-6.66	14.82
Power-sharing	-8.11	8.59	-3.84	6.45	-8.11	10.28	-3.65	8.88
National GDP per capita	-38.61	25.36	-33.08	15.79(*)	-20.74	24.85	-25.65	26.52
USSR/SFRY member	12.88	7.87						
Referendum agreed			-17.22	4.98**				
Quorum							6.58	10.19
Campaign lenght							.02	.02
No side campaign							-24.54	5.81**
Constant	84.71	17.48**	99.24	13.28**	108.04	18.48**	89.05	15.00**
N	36		22		11		17	
Adjusted R²	.457		.772		.731		.814	

(*) p>.10, * p>.05, ** p>.01

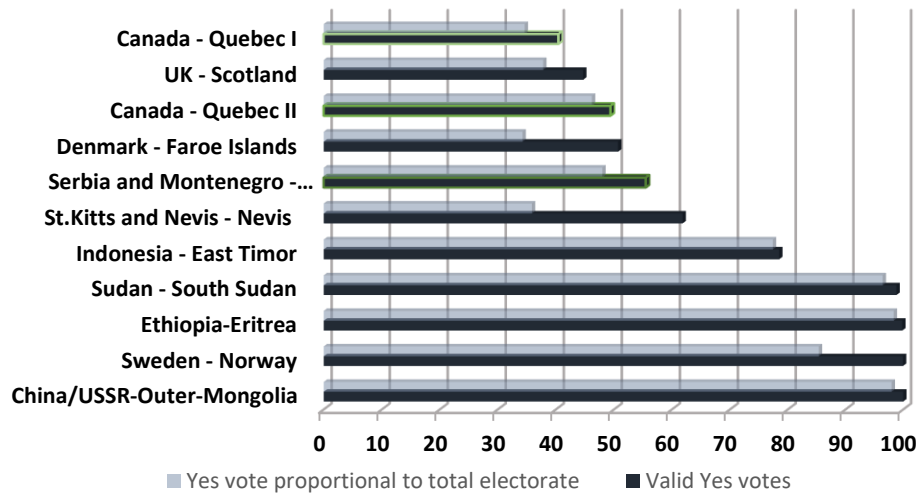
This quantitative review, while enlightening, is insufficient to understand the role of independence referendums in complex secessionist dynamics. The simplification of multifaceted concepts such as identity or economic grievances into aggregate-level measures and the limitation brought by data availability limits our ability to uncover the relationship between the IVs and DVs of interest and requires further, qualitative, investigation.

IV.3.b. Where could the referendum process have made a difference?

Figure IV.1 resumes the sampled - agreed - independence referendums' results. No referendum resulted in less than 40 percent support for independence, while five show levels of support above 70 percent. This overview also shows big disparities at times between the official Yes votes and the total Yes vote proportional to the total eligible electorate (accounting for turnout). Amongst the highest percentage of Yes votes are the Norwegian referendum of 1905 and the plebiscite held in the de-facto state of Mongolia in 1954. The other three more recent cases, Eritrea, South Sudan and East Timor are three undemocratic and violent contexts where external intervention was crucial to secure the holding of an independence referendum.

I would also expect such cases to have a more restricted ability for a referendum campaign to make a difference given the more polarised context, and lack of political and institutional consolidation which would enable the type of campaign covered in the literature in chapter II, such as party-cues, or mass-media effect. This is all the more reason to study such contexts, but one such case-study would probably require a PhD thesis in itself. Furthermore, under the premise laid out in Chapter 2, it is unlikely that support for independence in these cases stood below 60 or 50 percent prior to the referendums being called. Accordingly, while the referendum process and design could still have affected the final results shown here and the perceived legitimacy of this outcome, it is unlikely that they were determinant in achieving a qualifying majority support for secession.

Figure IV.1: Support for Secession in Independence Referendums



The other six agreed independence referendums show support for independence below 70 percent, especially when accounting for turnout which shows more variations than in the four cases with high levels of support for independence. These six cases may, therefore, be eligible for further study as potential contexts where the referendum may have had a moderating effect on the secessionist outcome. As discussed in the previous methodology chapter, Quebec and Montenegro were singled out as the two case-studies which are best suited to tackle the thesis research questions given their state and regional profile and data availability. I will now turn to them to further investigate the role of their respective independence referendums, how and why they came about, and how they may have affected secessionist dynamics and increased or decreased the likelihood of secession.

Conclusion

The quantitative review of secessionist movements and the use of independence referendums has confirmed that it is worth distinguishing between a consensual-agreed-referendum process and a unilateral referendum to understand the possible effect of such consultation on the likelihood of creating a new independent sovereign state. Furthermore, it has shown that a right to secede is (a) not necessarily associated with a consensual independence referendum whereby the plebiscite's outcome decided the fate of the region and whether it is to become a sovereign state; and (b) there is no evidence that it increases the likelihood of successfully seceding in combination with an independence referendum

when controlling for secessionist movements which were part of the dissolved USSR and SFRY.

Explaining the presence of independence referendums, and agreed referendums in particular is challenging. While both forms of consultations seem more likely where institutional provisions are in place – notably ethnic-federalism and access to the regional government – allowing secessionists to seize control of the region (capability), these variables correlations with lower support for secession provides possibly contrary incentives. While such institutions help mobilise support for independence, they also may reduce incentives to separate in the first place. Analysing support for secession in independence referendums has also highlighted that where violence occurred and means of self-government within the host-state are denied or limited, the electorate shows strong support for independence.

By reviewing the population of interest, I have identified Quebec and Montenegro as the two case studies to further investigate the role of their respective independence referendums in secessionist dynamics. The quantitative review, while informative, has proven very limited in its ability to explain why and when independence referendums come about, and their causal effect on secession. The following three chapters will review qualitatively the reasons beyond the referendums in Quebec and Montenegro, why and how they came to be agreed processes, how their respective referendum designs increased the chances of secession occurring, and finally how the referendum campaign affected existing levels of support for independence.

CHAPTER V

Independence referendums in Quebec and Montenegro

Introduction

The review of the role of independence referendums in state creation in the previous chapters and quantitative analysis have shown that -agreed- independence referendums considerably increase the chance of secession occurring. The analysis also uncovered some important confounding factors associated with both the presence of a referendum, and increased or decreased support for secession which makes the isolation of the independence referendum effect on existing secessionist dynamics difficult to assess. Furthermore, the quantitative analysis, while important to map the practice and outcome of such plebiscites, does not allow to explore in depth *how* an independence referendum increases or decreases the odds of secession taking place. By using process-tracing and comparative case study analysis, this chapter offers an in-depth review of the sequences of events leading up to three independence referendums and their outcome to gain a better understanding of their implications on secessionist dynamics.

This comparative study is the first to consider how referendums on independence come about in two different contexts and uncovers the important factors and actors in the process. It is also one of the rare comparisons between Quebec and Montenegro, as nationalist and political comparative scholars often overlook the latter.¹⁰² In the next three chapters, the role of the independence referendums in the two secessionist movements is assessed. It offers a chance to re-consider the hypotheses formed in chapter II, along with the extensive literature on referendums and what to expect in both cases. This step offers a more inductive approach to answer the thesis research question. Montenegro became a new independent state in 2006. To this date, there has not been a systematic review of the independence referendum role in the process - notably which aspects were crucial in achieving statehood. While Quebec is still part of Canada, the independence referendums may still have had an impact on the Quebec secessionist movement, the union with the rest of Canada (ROC), and future chances of achieving independence.

¹⁰² Rare exceptions include Oklopcic (2012).

This chapter starts with a brief historical overview of Quebec and Montenegro and how they came to be distinct territorial units within their respective host-states. Key differences between the two cases along the variables identified in chapter II and examined in chapters IV are reviewed. The origins of their respective secessionist movements, the population support for independence and the host-states' response helps understand how strong the movements were prior to the calling of the referendum. Secondly, the context is considered in order to identify which factors were catalysts in the ability to call and hold a referendum on independence. Finally, the Serbian (acting as the federal government at the time) and Canadian government response to the independence referendums are assessed to understand how they came to be "agreed" upon. This chapter, therefore, serve as the background upon which to assess how and to what extent the referendum design and campaign made a difference to the witnessed outcome in the following two chapters.

VI.1. Quebec and Montenegro

An in-depth study of Quebec's and Montenegro's independence referendums gives an opportunity to review key variables identified in the secessionist literature, notably: identity, the presence or absence of violence, state of union, regime stability, democracy, power-sharing, ethnic-federalism, regional executive power, national and regional economic prosperity and population size. A qualitative approach goes much further than the quantitative analysis in the previous chapter, which accounts for these variables in a rigid, quantifiable way, as it allows to uncover their more complex nature, functions and interactions in two empirical cases. The review below demonstrates that Quebec and Montenegro have a lot in common along those variables. Yet, their history, society and the nature of the relationship with their host-state resulted in these factors having different meanings, importance and implications through their complex and context-specific interactions.

VI.1.a. Contextual setting: territory, people and history

Quebec and Montenegro have little in common in their history, geopolitical context or demographics. The history of what is now called Montenegro *Crna Gora* (meaning "black mountain") can be traced back to AD 395 when Slavic tribes started settling in the *Stara Crnagora* region (Old Montenegro).¹⁰³ Old Montenegro was free from Ottoman

¹⁰³ For a detailed historical overview of Montenegro see Roberts (2007) and Andrijašević and Rastoder (2006).

incursions and its people started to differentiate themselves from other populations in what is now the North of Montenegro (Berane) (Morrison 2009, 4–5). With the territorial expansion of the Old Montenegro, also came large numbers of minorities in addition to Montenegrins who considered Belgrade their spiritual and political centre. These geo-historical differences are still present today with people inhabiting the historical capital of Cetinje and its surroundings more likely to identify as Montenegrin while inhabitants in the north as Serbian, in the east in Ulcinj and at the Kosovo border as Albanian or Croatian along the bay of Kotor and Tivat.¹⁰⁴

The presence of Francophones in what is now Canada dates back to the French explorations of the North-Americas and the creation of the New France settlement. The Francophone territory of what is now Quebec was taken by the British in 1759. Great Britain agreed in 1763 to protect Catholicism in the region, and French culture and distinct laws remained dominant in most of the New France territories. The Quebec province's boundaries were amended and extended to include increasingly larger numbers of Aboriginal peoples in the north of the territory in particular (Wherrett 1996, 2–3). Although Quebec remained overwhelmingly Francophone, 81 percent in the 1971 census (Young 1995, 4), Anglophones and subsequent waves of immigration have since made the province more heterogeneous (see next chapter).

At times, independence was a dormant issue in Quebec and Montenegro, despite having elements that would have prompted many theories of nationalism to expect a secessionist movement to develop, such as a distinct history and identity or a sub-national territorial entity (Hobsbawm and Ranger 1983; Anderson 1991; Brubaker 1996). Quebec has an advantage however in its Francophone population, and to a lesser extent religion (Catholicism vs. Protestantism), being more readily set apart from the rest of the - Anglophone - Canada, offering a primordial element to potentially foster a sense of groupness and social ties (Hechter and Okamoto 2001, 191). Yet, this distinction was never politicising in a way that would enable national mobilisation until the 1960s as primordialist theories would have expected. Changes in circumstances in both cases – although through very different dynamics – offered a window of opportunity to mobilise support around an independentist agenda.

Montenegro also differs from Quebec as it has a history of former independence. Montenegro maintained an independent state for over 500 years when the rest of the

¹⁰⁴ For an anthropological overview and historical developments of Montenegro's history see Durham (1928). The term "Montenegrin" employed here refers to a clear identification as being part of the Montenegrin nation as opposed to identifying as Montenegrin because one is a resident of the republic.

Balkans was under Turkish domination and was officially recognised as a sovereign international entity in the Congress of Berlin in 1878. The following Balkan wars in the early 1900s however left ‘Montenegro unguarded and open to Great Serbia penetration’ (Banac 1988, 280). According to Morrison, unification was ‘agreeable’ to the majority of Montenegrins who adhered to a greater Pan-Slav nation (Pavlovic 2003, 86). At the turn of the 20th century, emerging nationalism in Montenegro was strongly rooted in Serbhood under the reign of King Nikola I Petrovic’s¹⁰⁵ state and nation-building efforts. He modernised the country by developing and centralising its administration and infrastructures, building schools and departing from the traditional tribal politics under a Pan-Slav rhetoric emphasising the shared religion, language and common myths and symbols with Serbia (Fleming 2002).¹⁰⁶ Nonetheless, Montenegrins continued to be defined through their residency as a separate republic with a unique history strongly associated with the Black Mountains and the heroism of its tribes against the Ottoman dominance (Cross and Komnenich 2005, 11).

There was, and remains to this day, contention about the difference between a “Montenegrin” and “Serbian” identity and the manner in which unification occurred in 1918. The union was declared in a state of confusion in the absence of King Nicola by some members of parliament in Podgorica rather than the historical capital of Cetinje. The Greens (*Zelenaši*), a supporter of Montenegro’s independence, besieged Cetinje and surrounding towns during the “Christmas uprising” and subsequently launched guerrilla action against the Whites (*Bijelaši*) supporters of the union (Morrison 2009, 35; Banac 1988, 286). Lacking popular support, and with internal division over the restoration of full independence or just Montenegro’s “pride” in the unification process, the Greens’ independentist movement died down (Djilas 1958, 189). Although secessionist voices emerged sporadically throughout the subsequent unions, keeping the legacy of independence alive with waves of increased polarisation among the population¹⁰⁷, they would only become a pre-eminent political force in the 2000s.

During the communist period manifestations of a distinct Montenegrin identity were limited (Pavlovic 2003, 90) or strongly associated with Serbdom which reinforced the ‘national homo duplex’ in Montenegro (Darmanović 2007, 28). Meanwhile, in Serbia, Montenegro had always been perceived as part of the same “Serb” nation although some members of the Serbian elites did not see this as a contradiction to Montenegro being

¹⁰⁵ Ruled from 1860 to 1918.

¹⁰⁶ This is not to say that assimilation into a wider Serbian national corpus was universal. A divide could be seen between young, educated and city-bred Montenegrins and inhabitants of remote villages who still identified with their historical tribe (Pavlovic 2003, 84–85).

¹⁰⁷ E.g. during WWII and the Italian occupation of Montenegro.

independent at a time where dynasties ruled most of Europe (Pavlovic 2003, 94–95).¹⁰⁸ The union between Serbia and Montenegro is, therefore, a relatively old and stable affair, however, the nature of this “union” was not. It went from the post-WWI merging with Serbia, to the first and second Yugoslavia and its remaining Federal Republic of Yugoslavia (FRY), only comprising Serbia and Montenegro after it voted to preserve the union in an independence referendum in 1992, also subject to considerable controversy (see Appendix C for a review of this episode). In 2003, the EU attempt to prevent independence resulted in the last union known as the “State Union of Serbia and Montenegro” which lasted three years. This contrasted with the smoother and politically stable transformation of the postcolonial Canadian confederation into a federation.

As in Montenegro, Quebec’s integration into the “union” of provinces that is Canada bears different historical interpretations which are still important today in understanding the separatist claim. A dual interpretation of history and the merging of Canadian and Quebec’s history has led to polarised understandings of what constitutes modern Canada and the “Quebec crisis” of the 20th century. On one side, French Canada, or more specifically some Quebecers, see the confederation as a dual entity within which they represent a distinct founding member (Taylor 1994, 81). Most Anglophones see an equal association of provinces not differentiated along language or ethnicity (Balthazar 1992, 42).¹⁰⁹ When Canada became independent, Quebec, as a confederate member, was an active participant of the Act of Union between the Upper and Lower Canada (Ontario and Quebec) which started the process of federalisation.

The confederation, and later Federation did not explicitly recognise Quebec as a distinct nation from Canada but did account for the fact that it included ‘French Canadians’ (Gagnon 2009, 20–21). Whereas the confederation ensured the ‘survival’ of the French Canadian nation (Keating, 2001:78), it is also what protected it from separatism according to many scholars. It ‘allow[ed] for the expression of grievances and provided an outlet for alternative social and economic ideas’ (Cormier and Couton 1998, 68). It was understood that the federation could protect Quebec’s culture and politics (Quinn 1979, 42). Nevertheless, outside of Quebec, the French language did not fare as well and relations between Francophones and the English-speaking majority were tense at times (Jackson and Jackson 1997, 227).

¹⁰⁸ Russia has historically been an important actor in the region and a Serbian ally. However, during the period of interest it did not appear to have played a major role; a fact confirmed by discussions with scholars and politicians in Montenegro.

¹⁰⁹ C.f. the exchange between Segal (1997) and Boucher (1997) on those two different interpretations.

The “birth” of these unions is controversial and reveals a different understanding of the nature of the host-state and its relation to its constituent units. Nonetheless, their populations were not politically discriminated against, and both federal systems enabled their respective population to self-govern, although the FRY was an unconsolidated democracy limiting individuals’ ability to exercise self-determination (c.f. *HRef.7* notably). Moreover, the federal set-up also ensured that Quebec politicians could be involved in the wider host-state affairs through a form of ‘cooperative federalism’ (Cameron 1999), while Montenegrin elites were accommodated at the federal level as well throughout the consecutive unions, limiting grievances within sub-national elites to mobilise against the centre.

The communist period was particularly to the advantage of Montenegro, which despite its small size (2% of the Socialist Federal Republic of Yugoslavia’s population), ‘punched above its weight’ in the Yugoslavian federation thanks to its over-representation within political and public functions (Morrison 2009, 66). The republic had the biggest citizens membership to the League of Communist of Yugoslavia and ‘many in Montenegro were committed to the concept of Yugoslavism’ (Cohen 1989; Morrison 2009, 81). Following the collapse of Yugoslavia, its local communist party was the only one to survive the dissolution of the Yugoslav federation and to remain with Belgrade (c.f. Bieber 2003b, 11–42). Furthermore, the Republic of Montenegro, despite its heterogeneous population, did not experience ethnic violence like its neighbours, although its army still participated in the conflicts alongside Serbia. While Quebec and Montenegro did not witness a large-scale violent conflict as a result of their respective secessionist movements, once again a quantitative coding might fail to capture slight differences when it comes to their societal settings in the period of interest.

Prior to the Parti Québécois coming into power in the province, another non-parliamentary independentist actor adopted a much more radical strategy. Le Front de Liberation du Quebec (FLQ) founded in the early 60s conducted a series of attacks and bombings between 1963 and 1970 which killed seven people.¹¹⁰ The “October crisis” showed a radicalisation of the secessionist demands and some members of Quebec society’s frustrations with the current system. The federal government headed by Prime Minister Pierre Elliot Trudeau decided to invoke the controversial War Measure Act to stop the FLQ, overriding fundamental rights and privileges of the common law in the Canadian Bill of Rights. The departure from peaceful (on the secessionist side), and normal

¹¹⁰ For a review of the movement and its history see Morf (1970) and Ross (1995). These attacks do not meet the definition of large-scale violence used in the operationalisation of the variables in chapter III.

democratic procedures (on both sides) found little support among the Quebec population (Lachapelle 2005; Clément 2016).

When Montenegro started to seek more autonomy in 1997 (see below), Belgrade's response was much more aggressive and centralising than what was witnessed in Quebec. Slobodan Milosevic, the president of the Federal Republic of Yugoslavia from 1997 to 2002, attempted to further centralise the federation and federal authorities ceased to pay pension contributions to Montenegro which answered by diverting the payments for the federal budget into its own accounts. In 1998 Milosevic threatened to intervene militarily in Montenegro, to which the Montenegrin government answered by creating its own alternative security force to protect itself from the armed forces of Yugoslavia (Bieber 2003a, 33). An escalation of tensions and violence was avoided thanks to Montenegro's small and closely-tied population, according to Dzankic (2009, 301). This episode, reminiscent of the recent conflicts in the neighbouring - newly independent - countries, worried the international community and the EU in particular (*The Economist* 1999). They were concerned about where further secessionist aspirations may lead and a possible return to civil war in the Balkans.

Quebec and Montenegro, although both relatively poorer than their host-states, experienced different levels of economic development as a result of the general wealth of their respective host-states. Quebec's market economy represents around 22 percent of total GDP of Canada (Somers and Vaillancourt 2014, 242 (average 1966-2000)). It remains poorer than other provinces such as oil-rich Alberta and Newfoundland or the most populous province of Ontario. Quebec is one of the 10 provinces within the Canadian federation covering about 15 percent of its North-American territory and comprising a bit less than 30 percent of its population. It is also the second most populous province, with 8.215 million inhabitants in 2014 (6.5 in 1980). The north of the territory is sparsely populated and its vast territory hosts substantial natural resource, notably in the mining sector and forest resources. In contrast, the Montenegrin republic was much smaller than its Serbian neighbour: it represented only 5 percent of the FRY population, only slightly more than six hundred thousand people, and about 13 percent of the FRY territory. Its economy is primarily reliant on service based industry focused on tourism after its small industrial sector retracted considerably following the end of the SFRY. Accordingly, compared to Montenegro, Quebec was better suited for independence in absolute terms.

VI.1.b. (Sub)national mobilisation

The review of the history and contextual factors along key societal, political and economic variables identified in the secessionist literature to be associated with support for independence are insufficient to explain the emergence of secessionist movements in Quebec and Montenegro and how they found themselves in a position to call for an independence referendum. The - partial - mobilisation success in rallying Quebecers and Montenegrins as a potential state-seeking nation needs to be accounted for. It can be explained by a shift in context and its instrumentalisation by political actors.

The emergence of Quebec nationalism and separatism is attributed to the Quiet Revolution culminating in the 60s. The modernisation of the province through increased industrialisation, urbanisation and secularisation helped the mobilisation of Francophone elites and a new middle-class who found themselves unable to access the highest, Anglophone-dominated, economic and political occupations (Fenwick 1981, 206). Changes in Quebec society and the weakening of traditional actors such as the Church, historically an important source of influence in Quebec society (Hughes 1943), and the defeat of the conservative Union Nationale, led to an opening in the province's political structure. This socio-political paradigm shift, similar to what Gellner (1983) would identify as a change in the traditional balance of society creating new collective interest, is however overly deterministic in explaining the rise of Quebec nationalism. It cannot account for why it did not fully succeed – especially since other historical episodes could have led to such structural opening (e.g. WWII, Quinn 1979).

The framing of the new context and political mobilisation by a new independentist party along a Quebec national narrative is a crucial explanatory factor. A narrative of relative deprivation and political and economic grievance experienced by Francophones was first exposed by the provincial Liberal party “Maître chez nous” political manifesto (Guimond and Dube-Simard 1983). The Parti Québécois, officially founded in 1968 by Lévesque¹¹¹, took on the narrative more vehemently enabling it to increase its vote share in the 1970s, notably thanks to its emphasis on the socio-economic disparity (real or perceived by Francophones) between the two language groups and the cultural protection of the French language.¹¹²

¹¹¹ A former member of the Liberal Party, Lévesque disagreed with the federal response to Quebec's requests for further accommodation within the federation and formed the Mouvement Souveraineté-Association rallying some of the members of the existing independentist parties which had so far failed to gain popular support (Güntzel 2000, 374).

¹¹² ‘the root of English-French conflict in the economic inequality between the groups and the lack of French control over economic institutions in Quebec’ ‘notable disparities in income between Canadians of French and British origin’ (‘Report by the Royal Commission on Bilingualism and Biculturalism’ 1967, 208).

Lévesque framed separation as an option of last resort, the rest of Canada having failed to accommodate Quebec's need for great autonomy (Saywell 1977, 4–5). The PQ adopted an “etapist” – a step by step – approach to secession, re-labelled “sovereignty”, in 1971. This strategy included first securing provincial power before convincing a majority of Quebecers to endorse statehood, which was not to break all links with the Canadian federations. The ambiguity over the aims of the PQ and its framing of secession necessitated recurrent public re-emphasising of its independentist goal, and, at times, created tensions among its members (Morin 1975; Saywell 1977, 120).

The political environment, rather than broader societal context as in Quebec, better accounts for the reconstruction of Montenegrin nationhood between 2001 and 2006.¹¹³ Montenegro's long standing secessionist parties such as the Alliance of Montenegro (*Liberalni Savez Crne Gore* –LSCG) or the Social Democratic Party (SDP), never succeeded in gathering enough popular support to make it into government. The unconsolidated democratic state of the republic and FRY could be partly to blame (c.f. Bieber 2004), but analyses of the electorate confirm that, even with such institutional obstacles, a large portion of the population was for long disinclined to support them (Jenne and Bieber 2014, 448). The turning point occurred when the dominant political force in the republic split in 1997.

During the mid-1990s, the FRY essentially functioned as a unitary state thanks to elite congruence between the two republics under Milosevic's government. The federation was composed of two chambers: the council of citizens and the council of republics. The latter membership was evenly divided between the two republics. The two entities could design their own constitution and the competencies of the federation were very loosely defined leading to the union holding, paradoxical, confederal and unitary features while working as a consociation thanks to the grand coalition of Serbia and Montenegro's ruling parties (c.f. Malešević 2000 for a review of the federal design). The two disproportionate republics, however, quickly proved dysfunctional due to their different economic and policy needs. Serbia's leadership efforts to further strengthen the federal government powers, especially when Milosevic took its presidency in 1997 were felt to be detrimental to the much smaller republic.

The situation was made worse by the UN sanctions on the FRY which plunged Montenegro into an economic crisis (Morrison 2009, 107). The international embargo helped strengthen the grip of the Montenegrin oligarchy on political institutions and the

¹¹³ For a comprehensive review of the Montenegrin political scene and its transformation see Bieber 2003a

private sector, while in Serbia many companies remained state-owned (Malešević and Uzelac 2007, 697). Although independence was completely off the agenda, the tension between the two capitals grew over the years notably when Serbia put pressure on Montenegro to abolish its defence and foreign ministries and set a trading restriction cutting supplies when Montenegro attempted to distance itself from the war in Kosovo (Bieber 2003a, 28–29).

Prime Minister Djukanović, strong figurehead of the former Montenegrin Communist party rebranded the Democratic Party of Socialists (DPS) wished to distance Montenegro from Belgrade's detrimental economic and international policies. Bulatović, the president of Montenegro at the time and another strong figure of the party, remained loyal to Milosevic and formed the Socialist People's Party (SNP).¹¹⁴ Djukanović anti-Milosevic, pro-western and democratic rhetoric was welcomed by the republic's ethnic minorities, the Serbian opposition and the international community which offered their support as long as independence was off the agenda (Dzankic 2009, 170; Tadic 1999).

Even before Djukanović's DPS independentist agenda became clear in 2000, its position in government facilitated the implementation of nation-building policies on language and state symbols¹¹⁵ to differentiate between the Montenegrin and Serb identity schemas (Dzankic 2014, 362). The DPS started by reinstating the Montenegrin Orthodox Church (MOC) over the Serbian Orthodox Church (SOC), primarily as a means to further distance itself from Milosevic and gathered support from the religious population. There followed a progressive and steady re-institution of symbols of Montenegrin statehood. The Latin and Montenegrin dialect (Ijekavski dialect of Serbian) over the former official "Serbo-Croatian" was emphasised, although Cyrillic scripts remain in use. This nation-building agenda culminated in the 2004 Law on State Symbols setting the new Montenegrin flag and the national anthem (Lazarević 2011).

The use and definitions of these symbols were subject to contestation among political parties which had now formed into two, pro-Montenegrin and pro-Serb, blocks and provoked 'a similar degree of polarization among the people' (Dzankic 2013, 365; Jenne and Bieber 2014). The 1997 Presidential elections and the 1998 Parliamentary elections resulted in an almost even split for the recently divided DPS and SNP, gathering together

¹¹⁴ Huszka attributes the split of the party to economic circumstances and the need to retain electoral support (2013, 108). Dzankic interviews also point to competition over the control of money flow and black markets within the DPS as an important factor in its division rather than a genuine concern for Serbian-Montenegrin relations (2009, 167–68).

¹¹⁵ Some of the historic Montenegrin figures used to promote Montenegrin distinctiveness through ethno-symbolism had paradoxically been strong supporters of Serbdom (c.f. Djilas 1966; Vukčević 2015).

over 95 percent of the total votes. Djukanović won the second round with 50.8 percent of the vote (OSCE/ODIHR 1997). At the time, the DPS discourse was not about secession but the need for Montenegro to free itself from Milosevic rather than the union with Serbia. By the early 2000s, however, the DPS discourse had become increasingly independentist, matching its nationalist policies and implementation of “creeping independence” between 1998 and 2001.

After coming to power Djukanović’ efforts to separate Montenegro from Serbia resulted in an almost *de-facto* Montenegrin state. By 2001 most ties with the FRY were broken until the fall of Milosevic. Following the change of government in Serbia, the Montenegrin government re-authorised federal and Serb representatives within the FRY office in Podgorica. By then, Montenegro had a different currency (the German mark and then Euro in 2002), financial system and established independent foreign relations with the West (the US and EU in particular) who had welcomed its opposition to Milosevic (S. Vuković 2015, 431). The only remaining competencies of the FRY in the early 2000s were mainly membership of international institutions, military service, Yugoslav passports, and air traffic management (International Crisis Group 2001; de Vrieze 2001).

The Montenegrin government policies of nationhood and statehood and politicisation of the Montenegrin identity resulted in a new political cleavage within Montenegro’s society as it backlashed with the counter-formation of a strong Serbian identity and support for the union with Serbia (Džankić 2009, 2013).¹¹⁶ At the start of the communist period, 91 percent of Montenegro’s inhabitants identified as “Montenegrin”, referring principally to their residency and a label compatible and supplemental to other identities such as “Serb” or “Yugoslav”. Since 1998, the number of Montenegrin identifiers dropped to below 40 percent in the 2011 census, while those identifying themselves as “Serb” rose to a similar level (Jenne and Bieber 2014, 431, 435).¹¹⁷

With the transformation of Quebec society and the Parti Québécois campaign, the historically articulated conflict around Francophones vs. Anglophones and their protection inside and outside of Quebec, which did not question the existence of Canada itself, had successfully become about the Quebec society vs. Canada (Fenwick 1981, 211). While the use of the term “Québécois” was previously limited to people living in Quebec city, it became a label for inhabitants of the whole province carrying a consciousness of

¹¹⁶ While Džankić uses the term ‘political cleavage’ to refer to this new divide within Montenegrin society, Bieber (2002, 7) avoids it since political divisions do not strictly follow ethnic line thanks to the DPS attempt to attract minorities (see chapter 7).

¹¹⁷ The authors find evidence of the shift towards greater Serbian identification in the North of Montenegro starting in the early 1990s which they attribute to the wider Balkans conflicts (p450).

society and pride as opposed to simply being French-Canadian (Balthazar 1992, 664). While most Francophone inhabitants of Quebec self-identified as French Canadian or Canadian in 1970 (44% and 35% respectively), In 1990 the majority identified as Quebecois (59 percent, vs. 29 for French Canadian and 9 for Canadian) (Pinard 1992, 493).

Yet, it did not mean that all of PQ supporters were nationalist endorsing the need for an independent Quebec. Despite a form of Quebec national identity making grounds and becoming politicised, it did not overhaul the attachment of the Quebec population for Canada or their Canadian identity (Blais and Nadeau 1992; Henderson 2007). When Quebecers are particularly dissatisfied with the Canadian federal government, notably after the failures to amend the constitution to accommodate their demands for special status within the federation (e.g. Meech Lake Accord in 1987), they tend to, more or less temporarily, identify primarily as Quebecers over Canadian (Mendelsohn 2002; Blais et al. 1996).

In both cases, national - ethnic - secessionist mobilisation was only partially successful. Polls showed support for independence under the political elites campaigning efforts – one from a position of power (DSP) the other seeking it (PQ) – increasing from below 20 in the early 70s to a potential of over 30 percent in Quebec at the end of the decade, and to around 20 to 30 percent in the mid-1990s¹¹⁸, to between 40 to 50 percent in 2001 in Montenegro with an even distribution of undecided respondents (Croisat, Petiteville, and Tournon 1992, 43; Yale and Durand 2011; CEDEM 2002, 3; Huszka 2003, 47). While not a majority, it was sufficient for the secessionist actors to form a government in their respective regions and trigger an independence referendum.

VI.2. Independence Referendum Call

VI.2.a. Access to power

While some organisations and political parties advocating Quebec and Montenegrin independence existed throughout Canada's history and the union between Serbia and Montenegro, some of which in Montenegro had called on an independence referendum before, they never became important political forces. The turning point for Montenegro

¹¹⁸ It was not possible to retrieve exact figures from a reliable source for Montenegro in the mid-1990s. Estimation from 1992 referendum and discussions with scholars specialising on Montenegro.

took place in 1997 with a schism in governing elites. The incumbent successfully rallied support around an increasingly independentist agenda based on a narrative already found in the existing marginal independentist parties such as achieving more liberal, democratic states, and joining the European Union. In Quebec, the independentist actors first needed to mobilise sufficient support to come to power. In both cases, access to the regional government was crucial in the ability to call and organise an independence referendum further supporting *HRef.8*.

The 2000 federal elections were held in a particularly tense context as Milosevic curtailed Montenegrin federal representation in the FRY a week before the elections (Morrison 2009, 179). In an interview during the summer of 2000, when asked about a possible independence referendum, Djukanović did not express any hurry in holding a plebiscite if his party was to win the upcoming elections. Instead, he believed that reforms were needed notably attempting a ‘renewed union’ and they ‘ought to respect the profound division within Montenegro’ (Rackovic 2000). The increasingly ambiguous independentist agenda became crystal clear when Djukanović called on anticipated elections to consolidate his power after Milosevic’s fall. The distancing from Belgrade and the FRY authorities on grounds of opposing Milosevic’s wars and authoritarianism could no longer hold, and the US and EU now expected Montenegro to resume its original place in the federation (Friis 2007, 70).¹¹⁹

The government of Podgorica was not ready however to relinquish its autonomy and share power with its considerably bigger and more powerful neighbour despite the federal design not being particularly disadvantaging to Montenegro (albeit on paper rather than practice, Sekelj 2000, 58–59). Furthermore, tensions with Belgrade and the newly elected Democratic Alliance (DOS) government were still high, as the latter did not diverge from Milosevic’s centralist vision of the union. The new FRY president Vojislav Kostunica in 2000 (and Serbian Prime Minister in 2004) in particular was not trusted to concede power to Montenegrin elites outside Serbian control (Bieber 2003b, 35). Finally, the Serbia democratisation process and the likelihood of joining the European Union in the near future remained slim for the federation, going against the DPS political rhetoric since 1997 (Friis 2007, 70). The incumbent was also facing corruption scandals and an increasing number of social protests by 2001 (Borović 2001) and the need to ensure its political future.

To satisfy the EU and US demands the DPS and its reluctant *For a Better Life* coalition partners proposed a new arrangement between two independent states in 2000, known as

¹¹⁹ For perspective on individual EU state members c.f. Heimerl (2004).

Montenegro's "Platform II". The proposal, in addition to emphasising Montenegro's history as an independent state, also stated the need to hold a referendum on independence in the two republics which were to come together again into a loose confederation as two sovereign and independent states (Caspersen 2003, 109; Dzankic 2009, 315–16). This proposal was already present in the Liberal Alliance and SDP manifestos in the early 1990s. The Serbian government, however, made it clear that the only acceptable framework was a common federation where Montenegro would be given a status similar to that of Quebec within the Canadian federation, a position supported by the opposition in Montenegro, leading to a stalemate (Dzankic 2009, 319).

In the 2001 parliamentary election the new political cleavage within the Montenegrin citizenry was clearly set with a *For Independence* coalition on one side lead by the DPS, and *For Yugoslavia* headed by the SNP. The DPS and SDP coalition lost their parliamentary majority (42 percent of vote-share) and formed a minority government thanks to the LSCG, a DPS long-standing critic, headed by Filip Vukanovij (almost 8 percent of vote-share). The pro-Serb and federal collation formed of the SNP, Serbian People's Party (SNS) and the People's party (NS) gathered 40.5 percent of vote shares (Bieber 2003b, 36).¹²⁰

Neither Quebec or Montenegrin secessionists could count on an electoral majority when they called an independence referendum. The PQ secured 41 percent of the votes in 1976 in the Quebec general elections, defeating the Quebec Liberal Party (PLQ). Although it did not have a majority, the PQ won 71 seats enabling it to form a government and implement the "sovereignty" referendum promised in their campaign manifesto (Cloutier, Guay, and Latouche 1992, 35–36). Pinard and Hamilton (1977) believe the party would have gained even more support if it had not been perceived as a threat by some Quebecers because of its independentist agenda. Indeed, support for independence stood at the very most at 40 percent, depending on the question's wording, when they took hold of the provincial government.

The PQ binding itself to hold an independence referendum without securing a majority support prior to it was a risky strategy. Not only were the chances of losing the referendum high, it could have alienated the Quebec electorate which was very attached to the Canadian federation and not convinced by the secessionist call. The ambiguity of the referendum question and the step-by-step process which included a second referendum should the first one be successful (c.f. question in the next chapter) sheds doubt on whether the party was fully committed to holding an independence referendum in 1980. The

¹²⁰ For a review of Montenegro's political scene c.f. Goati et al. (2015).

Péquistes were very aware of their chances and did everything to “soften” the independentist agenda. The federal response, however, paradoxically, made sure that the referendum was indeed about an in or out option (c.f. chapter VII).

Following the sovereigntist defeat in 1980, the “patriation” of the Canadian constitution in 1981, which until then remained officially under the responsibility of the British Parliament, offered the first opportunity to implement the promises made by the No campaign to answer Quebec’s grievances. The “renewed” federalism, awaited by all Canadian provinces was concluded without Quebec Premier Lévesque who opposed what he saw as a centralisation of the federation by Trudeau during the ‘Night of the Long Knives’ (Harder and Patten 2015, 3, 160–61). To this day, Quebec has not enacted the Constitution Act of 1982. The federal government initiated two further constitutional changes to bring Quebec within the constitution. Both the Meech Lake Accord, followed by the Charlottetown Accord which had to be approved by a Canadian-wide referendum failed to be adopted as they failed to recognise a special status for Quebec within the federation. Accordingly, in 1995, the 1980 concerns for the French language “survivance” and the socio-economic situation of Francophones was reframed by the sovereigntists to focus more on the constitution and the place of Quebec in the Canadian federation (Pammett and LeDuc 2001, 275).

After the Yes defeat in 1980, Lévesque accepted the referendum outcome and in an emotional speech declared ‘My dear friends, if I understand you correctly, you are saying: ‘until next time’’ (Lévesque 1980a). The opportunity arose again in 1994 after a successful campaign focused on the economy and overcoming constitutional failures. The PQ lead by Parizeau had already made clear its plan to hold a second independence referendum if elected in its campaign manifestos. While it started with a stronger “Yes” support base in 1995 than in 1980, the PQ only secured 44.8 percent of the votes in the provincial elections, just over the 44.3 percent gathered by the PLQ opposition under the leadership of Daniel Johnson.

The party was joined by two new independentist actors in Quebec -and for the first time- in the federal political scene. The 1993 “earthquake election” brought the new sovereigntist Bloc Québécois¹²¹ (BQ) into the Canadian House of Commons as the main opposition to Jean Chrétien’s Liberal government. It aimed to promote considerable constitutional reforms and aspired to make Quebec a “sovereign state” (‘Le Manifeste Du Bloc Québécois’ 1991, 2). The Action Démocratique du Québec (ADQ) was formed by

¹²¹ The Bloc Québécois was formed under the initiative of Lucien Bouchard, former Tory following the defeat of the Meech Lake Accord in 1991.

former Liberal politicians Jean Allaire and Mario Dumont dissatisfied by the party's endorsement of the Charlottetown Accord in 1992 (Gagnon and Lachapelle 1996, 178). The ADQ did not have a secessionist agenda but supported the PQ government in the referendum.

VI.2.b. Why 'let the people decide'?

The context sets rules of appropriateness on actors which may restrain perceptive and possible actions (March and Olsen 1998). In both cases, a referendum was needed to secure internal and external legitimacy in order to achieve sovereign statehood. With an almost evenly divided population in Montenegro and a clear lack of a majority in Quebec for independence, even secessionist partisans could contest a form of state creation without a clear popular mandate and what would have been perceived as an authoritarian and illegal seizing of the republic and province by their respective governments. Montenegrin and Quebec secessionist elites both ruled out means to achieve statehood found in other secessionist movements such as an armed confrontation with the host-state or declaring independence without, or prior to, holding a plebiscite.

Violent actions were not envisaged by either the PQ or DPS and their independentist coalition partners. A military defeat of Serbia to secure independence in the early 2000s would have been highly unlikely due to the difference in size and resources between the two republics. A descent into conflict was exactly what the institutional community was worried about, and pushing unilaterally for independence and risking an escalation of violence would have been detrimental to the DPS and its coalition partners' goal of obtaining international recognition, especially with the pro-European, democratic rhetoric adopted in 1997 to distance themselves from Serbia in the first place.

Finding enough resources and manpower to support such confrontation with the federation in Canada was not an option for Quebec secessionists. The experience with the FLQ demonstrated a few years earlier the real risk of alienating further the Quebec population from contemplating separation. As a member of a consolidated democracy, such actions would have been counter to everything Quebecers and Canadians are used to. Within the party, notably for Lévesque in 1980, a democratic, progressive accession to independent statehood was at the core of the agenda. Respect for democratic principles was also clearly laid out in their Manifestos (e.g. McKenzie 1972; Parti Québécois 1994, 16).

In both cases, in order to claim sovereignty on behalf of a people, such people need first to clearly endorse separation; either through giving a strong electorate mandate to the

secessionist party (at least more than 50 percent of votes in their favour), or more convincingly, through a plebiscite. The idea that making it into the provincial government would be enough to declare independence was entertained for a time in the 1970s by members of the PQ and Parizeau prior to the 1994 Quebec general elections (LeDuc 2002b, 151; Lepage 2005).

Despite being able to form a government at the provincial level, the PQ did not have an electoral majority, and opinion polls showed they were far from winning a referendum on independence with – depending on the wording of the question – a maximum of 40 percent Yes support (c.f. chapter VII). Pinard and Hamilton (1977, 250) believe that including in their manifesto the holding of an independence referendum if elected was a strategy to gain the 1976 elections by separating the contentious issue of separation from their other policies; a strategy used for other political issues in western democracies (c.f. Björklund 1982; Morel 1993).

The Montenegrin independence referendum of 2006 was first clearly called in 2001 (Dzankic 2009, 191). By the time the referendum was held, the commitment to hold a referendum of the DPS government and his coalition partners the SDP-LSCG was clear. The 1980 referendum in Quebec, given its wording, and the delaying of the 1995 referendum, show that some of the PQ members were less inclined to commit to a plebiscite on independence. In Quebec, support for independence had surged since the mid-1990s, with for the first time a possible narrow majority in favour of secession detected in 1999 ('Montenegrin Public Opinion at a Turning Point' 1999). Yet, even in 2001, victory was still within the margin of error. After the Montenegrin independence referendum had to be postponed in 2001 under the external pressure exercised by the EU (see below), 61.6 percent of Montenegrin supported the Belgrade Agreement to redesign and renew the partnership between Serbia and Montenegro. Moreover, when asked if a referendum on independence was to take place instead of the Agreement to renew the union, only 42.3 percent of respondents said they would vote for independence, and 40.2 against (CEDEM 2002, 3–4; excluding "don't knows"). Securing independence in a referendum in 2001 would have been a challenge for the secessionists even if the internal opposition, Serbia and the international community had consented to it.

Furthermore, in both cases, polls showed that referendums were a popular option among the public. In a DAMAR poll conducted between the 15th and 23rd of October 2000, three-quarters of citizens consulted said that the question of the status of Montenegro should

be decided via a referendum (Radulovic 2000).¹²² In Quebec, despite few people supporting independence, a referendum on constitutional reforms was popular. In a poll conducted in 1977 for *La Press*, 78 percent of the Francophone population wished to have a referendum, although a majority of Anglophones (58 percent) opposed it (*La Press*, 27 Sept 1977, p8).

What is more, the constitution of the FRY of 1992 - and then more clearly the constitution of the Union of Serbia and Montenegro - also detailed the possibility of seceding via a plebiscite (c.f. next chapter). There was also the precedent set in the former members of Yugoslavia, and more importantly the unilateral referendum of 1992 demanded by Serbia and organised by the Montenegrin pro-Serbian government to assert the small republic's desire to maintain the federation and boycotted by the pro-independentist actors (c.f. Appendix C). In Canada, Newfoundland decided by referendum in 1948 its status and whether to join Canada. 1980, and the 1992 Charlottetown constitutional amendments referendum also demonstrated that the consultation of the public on constitutional questions on how they should be governed was perceived to be a political requirement. These past events represent a form of internal pressure and precedent-setting on holding a plebiscite to secede.

The lack of a clear majority in both cases – while making the calling of an independence referendum less desirable – is paradoxically also what made it necessary. In both cases, the electorate that put the secessionist parties in power, and especially the majority who did not, could have easily protested against a unilateral declaration of independence without any formal process that would reflect that this was indeed what they – the people – wanted. Accordingly, the independence referendums were ‘politically obligatory’ referendums (Morel 2007) and essential for internal legitimacy to bring the opposition and opponents of independence to concede to the creation of a new state. Internal legitimacy also reflects on external-legitimacy and pressures the host-state and international community into surrendering to the sub-national majority's will.

The reaction of the host-state was likely to be a strong consideration in both cases. If a declaration of independence occurred in the later 1990s or early 2000 when Milosevic was in power and tensions were already very high (see above), a possible escalation into violent confrontation might have been possible between pro-Serbian forces and Montenegrin independentists. Nonetheless, with the new government in Belgrade eager to move away from Milosevic's policies and gain support from the international

¹²²1353 respondents. Approval for a referendum stood at 67.8 percent in 2004 (CEDEM 2004a, 28).

community (S. Vuković 2015, 434–435), such escalation seemed less likely post-2000 on Serbia's side. Yet, Serbia could still refuse to recognise separation and stand by the opposition, especially since the international community favoured the preservation of the common state and the Montenegrin population remained extremely divided.

Some Canadian scholars have speculated what the secession of Quebec would look like (E.g. Freeman and Grady 1995; Dion 1995; Young 1995; Whitaker 1996). Young (1995, 85–86) believes that the Canadian government would not have allowed secession to happen without a clear popular mandate, especially since the PQ did not hold a majority of votes and there were no clear indications that a majority of the province supported independence. The referendum was therefore both a means to further mobilise Quebecers in favour of independence and assert independence through the majority's will.

In Montenegro, the independentist coalition could not always agree on the referendum's place as a means to achieve secession. The LSCG was always a strong opponent of Djukanović and together with the Social Democrats, were unconditional supporters of the referendum being held in 2001 (Bieber 2003a, 36–37). It often publicly accused the DPS of bad faith and a lack of commitment to holding a referendum (Radulovic 2001; Tadic-Mijovic 2001b). The narrow margin of support for independence in opinion polls, the divergence over the referendum technicalities among the coalition partners (c.f. Chapter VII), and the US and European Union opposition, delayed the referendum and Djukanović felt increasingly pressured to engage in negotiation with Serbia to renew their union. Winning a majority was not enough in the case of Montenegro. The international opposition to the referendum and whether the “will of the people” would be recognised, should they decide to leave, was a major concern for the republic's president.

VI.3. Agreeing to the Referendum

VI.3.a. Quebec: latent consent and legitimisation

The Canadian federal government responded to the changes in Quebec society in the 60s and 70s, by granting some of the demands for more autonomy and the accommodation and preservation of the French language. In particular, Prime Minister Lester Pearson seemed open to the “two founding nations” understanding of the Canadian federation and declared in 1963 that Quebec ‘is more than a province because it is the heartland of a people: (...) it is a nation within a nation’ (Quoted in Guibernau 2006, 52). Quebec was subsequently allowed to have a say in immigration matters, a task other provinces left to

the federal government. Most importantly, the Bilingualism Act of 1969 giving French equal status in the Canadian government ensured Quebecers' inclusion within broader federal politics by guaranteeing them strong representation in the Cabinet (McEwen and Lecours 2008, 230–38).¹²³ Since then Quebecers have often been over-represented in the Canadian federal system and personal bilingualism is now the norm for top political positions at the federal level.

The steps of the early 60s towards accommodating Quebec's growing nationalism were short-lived. The federal government refused subsequent demands from Quebec for any particular status, stressing instead a symmetrical federal model under the pressure of Western Canada, and started cutting back Quebec's special and distinct status within the federation (McRoberts 1991, 6). Trudeau offered an alternative vision of the Canadian federation based on multiculturalism and politicians in western provinces and Ottawa were taken aback by the PQ electoral success in 1976 (Laforest 1995). In 1977, Trudeau created a Task Force on Canadian Unity (known as the Pépin-Robarts Commission) to gather insight on how to reform the federation and face this new challenge. The commission recommended that a new constitution 'recognise the historic partnership between English and French-speaking Canadians, and the distinctiveness of Quebec' (Pépin and Robarts 1979 art. 28, ii). By 1994, the federation was still in a predicament after two attempts to rally Quebec failed.

During my stay in Quebec, reactions diverged widely among academics specialising in Quebec and Canadian politics when I first presented the proposed classification of the Quebec referendums as a "consensual" process, from outright endorsement or opposition, showing a very polarised understanding of the process.¹²⁴ Once the definition was clarified, all scholars agreed with my classification of Quebec, but some remained sceptical about its utility.

The resolutions adopted by the sovereigntist-led National Assembly in the late 70s to assert Quebecers' right to decide their status was never formally challenged by the opposition in Quebec or Federal Government, nor did they try to stop the referendum taking place (criterion 1 for an agreed process).¹²⁵ The non-intervention by the federal governments and other provinces has been viewed by many as a recognition of the right of Quebec to decide alone its political status (Turp 1992, 51–52). While it holds some

¹²³ The representation of Francophones of Quebecers however varies according to the political party in power at the federal level.

¹²⁴ This could also be explained by the stronger remembrance of the 1995 referendum than the 1980 plebiscite, which was also a more "tense" process with a very close outcome creating more controversy.

¹²⁵ C.f. chapter VII for individual challenges made.

truth, I believe that this is a misleading interpretation of the overall strategy of the federal government and ROC to confront Quebec's secessionist aspirations. Three reasons, in particular, can be put forward to explain why the political opposition in Quebec and the federal government did not stand against the referendum.

Firstly, the PQ could legally put in the place legislation required to hold a plebiscite, although the subject matter – separation – was not within its sole jurisdiction (see next chapter). Secondly, and more importantly, the democratic need for a referendum discussed above also applies to the host-state government as primarily a political, rather than constitutional, constraint. This limitation cannot be said to be absolute, but the federal government's room for manoeuvre was limited due to the strong possibility of suffering a negative political fallout if it stood against citizens' ability to express themselves through peaceful democratic channels (Morel 2007, 1056). It might have ultimately heightened grievances in Quebec, increased polarisation among the Quebec electorate and ultimately increase support for separation.

Finally, a Yes victory was unlikely (Hypothesis *HRef.A.1*). The low support for secession in Quebec meant a Yes victory was very unlikely, especially since Quebecers were still attached to Canada and feared the consequences of secession. At the time, there was not much need to engage with the question of whether secession was legal and how it should occur. It became more of a concern however in 1995 when the question was more clearly about an in-out option, rather than necessitating a second referendum to endorse secession as in 1980, and support for independence made grounds.

Accordingly, the right of Quebecers to decide their political status was virtually never disputed prior to the 1990s by the federalists within Quebec and the federal government and was asserted throughout the 1980 and 1995 process. The P  pin-Robarts Commission draw a clear conclusion that the democratic will of Quebecers had to be respected by the ROC and federal government, emphasising the 'compound' and 'willing' nature of the federation (P  pin and Robarts 1979, 121–22). More importantly, the political opposition in Quebec and the federal government actively engaged with the referendum process and the Quebec public to convince them to assert their will to stay within the Canadian federation (Criterion 2).

In 1980 this engagement consisted of ensuring that the referendum debate was clearly about whether to remain or leave Canada, paradoxically making it even more "secessionist" than the PQ was arguing for (c.f. Chapter VII for examples). The Canadian Prime Minister from 1979 to 1980, Joseph Clark, even declared himself open to negotiations over 'sovereignty-association' with Quebec in the case of a Yes victory

(Radio-Quebec, 10 September 1979). Even his successor Trudeau, who refused to negotiate, could not say that the will of a majority of Quebecers – often supplemented by the term “large” or “clear” – would be denied (e.g. *The Gazette*, 3 January 1978).

The campaign strategy as we will see in chapter VII was focused on stressing that all links between Quebec and Canada will be cut if the latter’s citizens decided to endorse “sovereignty”, relabelled “separation” or “secession”. This is a strong symbolic legitimisation of the right of the Quebec people to secede. It is not denied, instead, it is even re-enforced by clearly envisaging this possibility – albeit very negatively. The modalities were rarely if ever, addressed between 1977 and 1980.

The federal government did leave itself some room for manoeuvre by remaining vague on the legal implications of the plebiscite, with some No actors referring to the need for a “clear” or “large” majority for the referendum to be clearly binding (c.f. next two chapter), challenging my coding. Yet, one should not apply a retrospective coding on an event that did not happen – such as the federal government refusing to acknowledge the majority of the Quebec electorate endorsement of a Yes vote. The evidence at the time of the events of interest should take precedence in the coding process. Direct engagements with, and endorsements of the referendum process among Quebec and Canadian elites largely outweighed opposition.

In 1995, the ambiguities over how much of a majority was needed were still present, but the 1980 referendum had created a strong precedent in allowing Quebecers a choice over their sovereignty. All parties had accepted the outcome in 1980, and denying the 1995 referendum vote would have been very difficult, especially with a public frustrated with the failed federal reforms to accommodate Quebec. The Progressive Conservative Party in 1991 also had asserted the right of the men and women of Quebec to self-determination (but not the Quebec province itself) (Young 1995, 87).

While a legal challenge was raised in 1995, focusing on the proposed bill by the PQ on the ability of Quebec to *unilaterally* secede rather than the referendum itself, it was not considered in time to stop the referendum (c.f. chapter VI). Furthermore, leader of the No camp Daniel Johnson announced that the court provisional statement of concern about the legality of the process would not change his strategy and the federal government would participate in the debate (Cardinal 2005). Although the issue was sporadically raised during the campaign, it is difficult to trace mentions of “legality” by the No camp or federal politicians. To this day, there are divergent views of whether a narrow Yes victory would have led to secession.

Some actors in the No camp did maintain ambiguity, such as Chrétien saying a clear majority – without definition¹²⁶ – would be needed (Campbell 1995). But these remarks were very controversial even among supporters of the federation. The Quebec Liberals, some of whom had clearly stated that they would endorse the outcome (e.g. Lucienne Robbilar), seemed to be more divided on how to answer a small Yes victory (Hebert and Lapierre 2014). Furthermore, in line with the 1980 strategy, pro-federal politicians had stressed the “determinant” nature of the plebiscite, including Johnson in his final speech making it clear that the referendum was about ‘stay or leave ... this is what is at stake’ (Cardinal 2005, part II, 14:10). The argument that the question was unclear, and a “clear” majority was needed only started to be clearly challenged when the Yes side made gains in the polls, but they remained rhetorical: ‘We had engaged in the referendum on a basis of 50 plus 1. You cannot change the rules afterwards’ (Brian Tobin¹²⁷, quoted in Hebert and Lapierre 2014, 116).

By participating in the campaign, convincing people to vote No (to what was a vote on “separation”), and seeking the will of the Quebec people to endorse the continuation of the federation, is a clear endorsement of the referendum process and, perilously, politically binding on accepting its outcome in the case of a Yes victory. Nonetheless, although there was a clear engagement with the referendum process and a lack of outright opposition in 1980 and 1995, clearly granting the possibility of secession, it was not at any price or under any circumstances.

Chrétien remained hopeful that in the case of a small majority, the BQ and ADQ leaders would accept to negotiate a new arrangement, withdrawing their support for the PQ, since this is what ultimately the electorate would have wanted. Importantly, however, if negotiations failed and support for independence did not dissipate, the federalist leaders recognised that Quebec could not be “kept” (c.f. interviews with actors in Cardinal 2005; and Hebert and Lapierre 2014). Especially since one of the biggest challenges in accommodating Quebecers would have come from the rest of Canada and other federal political parties. It would have been misleading to expect that if the Liberals had lost the referendum, the other provinces would have allowed ‘Quebecers negotiating with a bunch of Quebecers’ as Tobin, put it, seconded by West’s Canada Reformed Party leader Manning (Hebert and Lapierre 2014, 115, 171)

¹²⁶ Interviews conducted by Hebert and Lapierre with the key actors of the 1995 referendum suggest that the Liberal party conceived it as anything below 52 or 53 (2014, 69).

¹²⁷ Cabinet minister of the Chrétien government.

The rest of Canada was much more willing to “let Quebec go” than the federal government, as they grew frustrated with Quebec’s demand¹²⁸, but also paradoxically potentially more willing to negotiate its exit according to some politicians at the time and scholars (e.g. Young 1995; Cardinal 2005). This assertion is difficult to test given that publicly acknowledging this possibility would have been detrimental to keeping leverage over how to respond to the referendum outcome and what to concede to Quebec. Furthermore, the ROC is not a unitary bloc but distinct provinces with their own interests (Martin 1995; Young 1999; Simeon 1998). Secession may have come at a cost: if Canada was divisible, so was Quebec.

Accordingly, negotiating a new arrangement -whether entailing full sovereignty or not - would have been difficult, and the position of the ROC might have further frustrated Quebecers and their place in the federation, potentially further increasing support for secession. To gain recognition the Quebec government would have likely needed to consider how to satisfy the ROC that the country will not be cut in two and potentially amend its borders. A regional breakdown, possibly through sub-territorial referendums (Laponce 2004) remained a possibility. A new form of union between two sovereign states resembling the European Union was argued to be the best solution according to secessionists (Cloutier, Guay, and Latouche 1992, 71–72).

Finally, while the question of independence and the referendum process was largely a Canadian-Quebec affair, international actors were not totally absent. France and the US notably, as territorial and cultural neighbours, influenced the independentist debate and legitimised/delegitimised the separatist claims. President Charles de Gaulle’s controversial declaration in July 1967 in Montreal ‘Vive le Quebec libre!’ insinuating his support for a “free” Quebec helped give credibility to a separatist cause (Saywell 1977, 9). Interviews with ambassadors at the time of the 1995 referendum seem to show that the federal government was keen to ensure that France would not prematurely welcome an independent Quebec state in the case of a small Yes victory (Hebert and Lapierre 2014, 153–55).

Parizeau wished to ensure that the US would not stand against an independent Quebec, and believed securing France’s support was needed to pressure Washington to recognise a new state on its continent before Paris did (Cardinal 2005).¹²⁹ The US, on the other hand, would have stood by the Canadian government and intervened in the referendum

¹²⁸ see Laslovich (1978) on changing attitudes in ROC.

¹²⁹ For more detailed reviews of Quebec foreign relations see Legaré (2003) and Payette (2011). For Montenegro c.f. Đorđević (2011).

campaign by warning of the economic difficulties Quebec would face and a difficult accession to the North American Free Trade Agreement (NAFTA) (Panetta 2014). Nonetheless, Canada, as the host-state, remained the primary actor able to grant recognition, contrary to Montenegro.

VI.3.b. Montenegro: unavoidable referendum becomes agreed referendum

After the victory of the *For independence* coalition in 2001, and unable to come to an agreement on redesigning the federal arrangement, Zoran Đinđić, the Serbian Prime Minister in 2001, conceded that a referendum was needed to answer the stalemate (Tadic-Mijovic 2001a). Đinđić's willingness to allow Montenegro to secede can be explained by the fact that he had good relations with the DPS government, thanks to years of cooperation against Milosevic and was more liberal in his views than many of its party colleagues (Huszka 2013, 125). After Đinđić's assassination in 2003, Vojislav Koštunica, the last president of the FRY and prime minister of Serbia in 2004, effectively took over political leadership in Serbia. He was much less inclined to contemplate losing Montenegro and backed the Montenegrin internal opposition and their unwillingness to recognise the independence referendum process and outcome should a consultation take place. The host-state and internal opposition, however, are not the only reasons for why a unilateral independence was not held.

The opposition of the European Union and, the more distant US, is more relevant in understanding the nature of the consensus needed to meet the binding and legitimate criteria argued to be essential for an independence referendum to fully fulfil its functions. The referendum and independence were not only opposed by the "host-state", here Serbia representing the official, yet non-functioning, FRY, but external actors whose support was crucial to achieving the sought after recognition. The EU sent the Common Foreign and Security Policy (CFSP) representative Javier Solana to stop the referendum taking place and help the two republics agree on a new arrangement for a common state. As the negotiations were on-going, Podgorica announced a referendum for Spring 2002 if no agreement was reached (Radulovic 2002).

The biggest worry at the time was not so much the new leadership in Belgrade, but the pro-Serb internal opposition in Montenegro, backed by Serbia. Koštunica, in particular, was seen as a hard-line Serbian-nationalist, not the most reassuring trait considering the recent history of the region. Yet, people I spoke to in Montenegro and some scholars (e.g. Hockenros and Winterhagen 2007) believe that Serbia's opposition could have been overcome by the international community as the new leadership in Belgrade needed to normalise relations with the EU and neighbouring states in the mid-2000s. Furthermore,

Montenegro was not Kosovo. Serbia did not have the same societal and political attachment to the Montenegrin territory as Kosovo. Montenegro's economy and the population were very small compared to Serbia's (10 million vs. 620000 inhabitants and Serbia contributed to 94 percent of the federal funding (Macek-Macková 2011, 627)). Losing Montenegro did mean however becoming landlocked and the end of the "Great Serbia". The Serbian government supported the opposition in the hope that secession could be avoided, especially with the EU reluctance to see it happen, but not at any cost for its own diplomatic standing with the EU.

The international community involvement, and notably the EU which took the lead on the matter, was first driven by the memory of the Balkans conflict of the early 90s and feared for the future stability of the region, notably, how the Serbian population and the pro-Serb population in Montenegro would react (c.f. Batt 2005). With an evenly divided population in Montenegro on the question of secession, a referendum was seen as potentially very destabilising (Roberts 2007, 466). Secondly, they were concerned about a potential domino effect even a peaceful secession of Montenegro would have in Republica Sparka or Kosovo (S. Vuković 2015). This was despite the fact that Montenegro had a clear right to secession, unlike the latter cases.

Indeed, Montenegro had the right to separate within the FRY constitution (see next chapter), coupled with the international assertion of this right by the Badinter Commission in 1992: 'By the decision of the Berlin Congress of 1878, the then Great Powers unanimously recognised the independence and sovereignty of Montenegro... When Montenegro, upon unification became part of Yugoslavia, the sovereignty and international personality of Montenegro did not cease to exist, but became part of the sovereignty of the new state'(quoted in Rich 1993, 47).

The pressure from the European Union bore fruits and an accord to preserve the Union was signed by Djukanović (who did not consult his coalition partners the SDP and LSCG) and Koštunica on the 14th of March 2002.¹³⁰ The Belgrade Agreement founded the State Union of Serbia and Montenegro (thereafter "State Union") to replace the FRY.¹³¹ With the EU unlikely to recognise a unilateral referendum, and because of Montenegro's reliance on its economic aid¹³², Djukanović had little option but to back-out from holding an independence referendum, notably when he had adopted a pro-EU and Western

¹³⁰ For a review of the negotiation process see International Crisis Group 2002; Van Meurs (2003); and S. Vuković (2015).

¹³¹ Available at

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/declarations/73447.pdf

¹³² Montenegro was heavily reliant on foreign aid, with the EU and US bringing \$90 million in direct aid in 2000 alone (Swardson 2000).

rhetoric to make his case for secession (see chapter VIII). Feeling betrayed, the pro-independence SDP and LSCG coalition partners withdrew their support for the DPS government forcing anticipated elections. Djukanović declared that Montenegrins should not feel deceived:

If I were certain to obtain a sufficient majority to achieve without risks the national Montenegrin project, I would have done it. Sadly, we do not have an absolute majority, and it is much more important to preserve what we have achieved so far for the status of Montenegro than risk losing it because of an eventual unpredictable referendum result (Rudovic 2002).

The north of Montenegro welcomed the renewed union while the rest of the republic with more mixed partisanship was less convinced (Cabarkapa 2002). Moreover, the lack of referendum to seal the elites' driven agreement favoured the pro-independence camp who could, once again, criticise the new union's legitimacy from the start. Many commented on the weak and likely unworkable arrangement between the two states (Bieber 2003b, 36–38).¹³³ The DPS leader had however secured that basis of an agreed referendum process so far lacking: the right to hold an independence referendum after three years in Article 60 (see Chapter VII). This ensured that a) 'the state union could never function to its full capacity', and b) 'that the statehood issue remained at the core of Montenegrin politics' (Morrison 2009, 189).

The following two years offered somewhat of a break on the referendum question, but the political battle and campaigning for or against independence did not lessen. In the 2002 elections, two new camps were formed: *Democratic Coalition for European Montenegro* (with 48 percent of the vote share, and 38 seats), and the pro-Serb *Together for Change* (SNP-SNS-NS Unionist coalition) (OSCE/ODIHR 2002, 5–9). The DPS returning coalition government continued its efforts to assert Montenegrin nationhood and statehood, such as moving the presidency to the historical capital of Cetinje during a ceremony boycotted by the pro-unionist side (Andjelic 2005a). As 2005 loomed, the dispute between the two camps switched to when the three years' moratorium on holding a referendum on independence was over: three years from the signing of the Belgrade Agreement in 2002 or three years from the adoption of the Constitutional Charter in 2003? In 2005, Serbia bluntly dismissed Montenegro's demand for an "amicable separation" requiring that the Union continue for at least another year (McLaughlin 2005).

¹³³ An extensive overview of the new federal arrangements goes beyond the scope of the thesis, but it is important to point out that it did not provide much room for a strong and working federal structure allowing for power-sharing (Tierney 2012, 399).

Most importantly, the referendum design was still to be agreed upon and neither the pro-unionist coalition nor Belgrade recognised the referendum announced by the pro-independence Montenegrin government in 2005. In December 2005 the President of the Republic of Montenegro, Filip Vukanović called on an extraordinary parliamentary meeting for February to organise the referendum by April 2006 and offered the opposition to negotiate the exact date and wording of the question (Andjelic 2005b). As the opposition kept refusing to discuss the referendum with Serbia's support (Djuranović 2006a), the European Union got involved once again to find a compromise.

Now that the referendum had become unavoidable, the challenge was for all parties to recognise the process as legitimate and democratic, and accept its outcome as binding in order to put an end to the "Montenegrin question". On the 10th of November 2005, the EU presidency declaration emphasised the need for the Montenegrin government and opposition to agree to the referendum process, and that if dialogue failed it would impact negatively on Montenegro's future aspirations of European integration. Solana emphasised that 'the EU would not accept the outcome of a unilateral process, in which the Montenegrin authorities and the opposition fail to cooperate with the EU and other responsible international bodies' (quoted in International Crisis Group 2005, 10). Special Envoy and Slovak diplomat, Miroslav Lajčák was appointed in December 2005 by the EU to lead the negotiations. Under his supervision, both sides of the debate appointed a negotiation team to deal with the legislative framework of the plebiscite (Friis 2007, 80). The Council of Europe, The Organisation for Security and Co-operation in Europe and its Office for Democratic Institutions and Human Rights (OSCE/ODHI), and the Venice Commission representatives were involved in the process.

The numerous external actors were crucial in helping to increase the leverage and pressure both sides into an accord, according to Vuković, thanks to their power in conveying legitimacy (2015, 435). To oversee the negotiations, Lajcak and Frantisek Lipka¹³⁴ were appointed to help reach an agreement on the referendum design and process with the latter chairing the Republican Referendum Committee (RRC). The EU overall approach focused on accommodating the unionist concern as much as possible while not undermining the existing institutional procedures or reforming the referendum process completely (c.f. next chapter).

Following the EU intervention, the Serbian government declared that it would not oppose a referendum and accept that 'ultimately, the will of the people (as expressed through a referendum) will prevail and should be respected', provided the two camps agreed and

¹³⁴ Slovak diplomat.

the result was clear (Committee on Foreign Affairs. Montenegro 2005 Paragraph 90). Besides, it is very likely Serbia never expected the State Union to work. The Serbian finance minister Dowidar Djelic, for instance, labelled the new union an ‘economic Frankenstein’, while the Serbian governor of the national bank Mljadan Dinkic believed it ‘unlikely to provide the basis for a lasting settlement’(quoted in Roberts 2007, 464).

The biggest compromise to be made by the secessionists to secure an agreed process - binding the opposition, host-state and international actors to the “will of the people”- were also what endangered most a Yes victory. The concession of a 55 percent endorsement threshold can be attributed to the success of the European Union leverage and the promise of state-recognition and future EU membership (Friis 2007, 85). The Montenegrin independentists felt increasingly confident that victory was within their reach: by 2004, polls were showing that the pro-independence side could hope to achieve 56 or 57 percent when estimating the preference of undecided voters based on their socio-economic characteristics. Nevertheless, victory or defeat remained within the margin of error (CEDEM 2007, 4).

Conclusion

The case of Quebec and Montenegro and how their respective independence referendums came about offered an opportunity to review and refine some of the conceptualisations and assumptions discussed in chapter I and II. Firstly, the definition employed here of what constitutes an agreed independence referendum and its potential implications has been challenged. In the case of Quebec, the lack of a formal agreement questions the binding nature of the referendum. On the other hand, the acquiescence and clear engagement with the referendum question show that once political actors have legitimised the process and granted that people get to decide, they are ultimately, politically, bound to it. They may still wish to capitalise on the volatility of such will and leave themselves room for manoeuvre. The confidence of the No side in their chance of winning the 1980 referendum resulted in a “relaxed” engagement with the referendum, paradoxically emphasising the possibility of secession even more forcefully than the Yes side.

The belief of an easy victory (*HRef.A.1*) can account for why the federalists in Canada did not overly contest the referendum design. The No side complacency and precedent set by this first referendum almost cost the unity of Canada in 1995 as the next two chapters will demonstrate. The established democracy that is Canada also played an important role in explaining how the Quebec independence referendum came about and was agreed upon

(internal pressure – *HRef.A.3*). It made the consolidation of support for secession within the Quebec population essential to, in turn, legitimise the process and assent by all the relevant actors: the internal opposition, the federal Government and ROC (and international community as an extension), but most importantly, the Quebec population.

In Montenegro, the order of importance of these actors challenges the presumption made in chapter I that the host-state consent is the primary factor in ensuring that the “will of the people” will be determinant in state-creation. The Canadian government was the primary granter of recognition. In Montenegro, this role was fulfilled by the EU which had the power to grant or oppose recognition and could compel the Serbian government - acting as the host-state - to do the same as the latter was not ready to engage in conflict over the republic (*HRef.A.2* and *HRef.A.3*). Although Montenegro had a constitutional legal right to secession, and a good case that such right was asserted at the international level thanks to the Badinter Commission ruling, it did not weight much in reaching an agreed referendum. Contrariwise, in Quebec, the silence of the constitution on secession did not prevent a consensual referendum process (c.f. *H.Ref.1-2*). A constitutional requirement and the precedent set by its neighbours and then its own 1992 pro-Serbian government led the independence referendum likely to influence the existing secessionist parties’ call for an independence referendum in the 1990s, before being adopted and put into motion by the DPS post-1997.

The historical and contextual review of Montenegro and Quebec provided support for some of the hypotheses laid out in chapter II and the previous quantitative findings. Contextual factors that would be primarily linked to support for secession hold little explanatory factors on their own about where independence referendums are more likely to occur. Montenegro lacked a clearly “distinct” proto-nation compared to Quebec, yet saw more support for independence (*HRef.1*), and both had a long-lasting partnership with the rest of the existing state (*HRef.2*). Although Montenegro and Serbia were at times under unstable regimes, and at risk of experiencing secessionist violence, support remained below a majority (*HRef.3* and *HRef.4*). They also both enjoyed a form of power-sharing allowing for local elites and the population to feel that the current state was also “theirs” (*HRef.6*). Their respective economic situation does not by itself explain existing support for secession and the incentives, of the population or elites, to hold a referendum to achieve independence (*HRef.9, 10 and 11*).

Instead, a more complex interaction between identity and the elite-driven historical salience and perception of these contextual factors, notably economic, can account for their partial mobilisation success. The motivation behind the use of a referendum to

achieve independence is also complex and context dependent, but in both cases, it required further mobilisation to achieve the desired majority. This contrasts with cases such as South Sudan or East-Timor where the independence referendums were primarily externally driven as part of a conflict-resolution process. Three variables stand out however in accounting for the DPS and PQ ability to call and hold an independence referendum, two of which had been detected as potential predictors of referendums in the previous chapter: the regime of the host-state (*HRef.5*), ethnic-federalism (*HRef.7*), and the ability to form a government within the region (*HRef.8*) facilitate the rise of independentist movements and their ascension to a position of power in their respective regions. They were all essential in facilitating initial popular mobilisation for secession and enabling the calling and holding of an independence referendum. Yet, in both cases, these elements were not sufficient to secure a majority prior to the referendum campaign.

CHAPTER VI

Referendum Design

Introduction

A referendum is a mechanism to allow citizens to have a direct say on a political matter. It is not, however, without considerable elite input and manipulation. This chapter engages with the referendums on independence in Montenegro and Quebec and their design. The shaping of the Montenegrin independence referendum procedures was a lengthy process started in the early 2000s. As the DSP leadership made its wish to hold a referendum on independence clear in June 2000, the constitutionality of such referendum and its modalities were put into question. It was not until March 2006 that the design of the referendum was finalised. In Quebec, the Referendum Act introduced by the Péquiste government in the late 70s served as the basis of the referendum procedure in 1980 and 1995. This section will review the rules of the referendum on independence in Montenegro and Quebec, and focus particularly on the five areas of contention derived from both cases: (a) whether the independence referendum outcome was binding, (b) who was allowed to vote, (c) the majority needed to validate a Yes victory in favour of independence, (d) the actors and resources involved in the course of the plebiscite, and (e) the wording of the referendum question.

We will see that in the two cases, some of these issues were less problematic than in the other. Furthermore, I will uncover how the negotiations and their outcome have favoured one side of the debate, and potentially increased or decreased the likelihood of achieving statehood. Through process-tracing, key time periods, actors and decisions made are uncovered. In the case of Montenegro, two periods can be identified in relation to the negotiations and finalisation of the referendum design: 2001 and 2005, with a “pause” from 2002 to 2004 following the signing of the Belgrade Agreement. In Quebec, the designing of the referendum was essentially in the hands of the secessionists and the procedure for the 1995 referendum differ little from the 1980 referendum. Aspects of the referendum would be challenged mostly *after* the second referendum following the close defeat of the Yes side. Finally, this section also considers the question of the legitimacy of the process in planning the referendum and its design.

VI.1. Legality

VI.1.a. The right of secession

The previous chapter has shown how the independence referendums in Quebec and Montenegro came to be “agreed” upon. However, the agreement of the authority representing the existing sovereign host-state that renders the referendum legitimate and its outcome politically binding does not need to be legal in the first place. Whilst the legal path for Montenegro to secede was clear, it was insufficient without the independence referendum being a consensual process between the secessionist Montenegrin government and its opposition backed by Serbia, and to the satisfaction of the European Union. The existing legal provisions in the republic and FRY for a referendum on secession to take place were bypassed over concerns for the stability of the region. Indeed, Montenegro’s right of secession was rarely questioned. Yet, its demands for a referendum on independence were initially rebutted, unlike Quebec where its right to secession remains debated to this day without compromising the holding of two independence referendums.

The brief historical overview in the previous chapter has already demonstrated that Montenegro’s right of secession could be argued multiple times and was embodied in the different legal documents of the “unions” it had been a part of. Firstly, because Montenegro used to be an independent recognised state from 1878 to 1917. Secondly, the SFRY constitution of 1963 and 1974 was one of the rare constitutions to provide its constituent republic a right to secede (Crawford 1999, 103). Thirdly, the right of Montenegro to self-determination was also clearly expressed by the Badinter Commission based on the right of *utis-possedis*. Fourthly, the union between Serbia and Montenegro included a constitutional right to secede and a referendum in 1992 to confirm the continuation of the federation, setting a precedent of legitimisation through popular consent. Last but not least, Montenegro had the entrenched right to secede in The Constitutional Charter adopted on the 4th of February 2003. Article 60 specifically stated the right of Montenegro to withdraw from the state union via referendum after a three year period, leaving Serbia the sole successor state (*Constitutional Charter of the State Union of Serbia and Montenegro* 2002, Article 60).

In Quebec, the legality of secession, while discussed, was not at the forefront of the referendum’s debate. The right to secession and its modalities were generally an after-

thought and the pro- and against- argument took centre stage. The British North America Act, or Constitutional Act, of 1867 which addressed the admission of provinces did not say anything about secession, and therefore did not explicitly forbid it. With the rise of independentist actors, legal scholars and political practitioners (some being both of those things) started to consider whether and how Quebec could secede (e.g. Woehrling 1991; Finkelstein and Vegh 1992; Gagnon and Rocher 1992; Balthazar 1995; Malkin 1998; Buchanan 1999). For instance, some argued that secession could be made official by using the amending formula in Part V of the Canadian constitution (c.f. Monahan 1995 for an overview of key federal legislations that would need to be considered). Woehrling (1991) argued that section 38 of the Constitutional act of 1982 would allow secession to take place if seven provinces, which would represent 50 percent of the population, agreed to it. Marchildon and Maxwell consider unilateral secession a realistic option for the provincial government in the early 1990s following the Meech Lake Accord with ROC unwilling to compromise (1991, 588). Resuming those perspectives, before the Clarity Act of 2000, the right of secession depended primarily on the interpretation of Canadian unification in legal and historical terms, the Canadian Polity as a democracy, and where Quebec and its people fitted within this.

These perspectives on the federation, Quebec and democracy covered in the previous chapter justified the need for an independence referendum to achieve secession and contributed to the federal government to consent. They may have been genuinely endorsed or just taken into account by actors wishing to accommodate an electorate who might support these views. They also contributed to the referendum process and secession symbolic “legality”. Some Quebecers view the Canadian federation as a compound of two founding nations (Francophone and Anglophone). Within this premise, the right of the province to secede resides at two levels. First, as a nation; although, its status of nation was never formally recognised by the federal government. Accordingly, secessionist actors had to first assert that Quebec was a nation and, as a continuation, its right to self-determination (Henderson 2007, 88). Secondly, as one of the founding nations and constituent units of the confederation, it could argue its right to withdraw from this ‘compact’ of provinces which *willingly* came together (Hueglin and Fenna 2015, 3). In Montenegro, asserting the existence of a distinct Montenegrin nation was also in the programme of the separatist government; yet it could also rely on the existence of former statehood and legal provisions asserting its right to secession.

Given the host-state response to the referendum and a campaign based on the dangers of separation (see chapter 7), the lack of any provisions on the right to secede does not seem to impede Quebec’s chances of achieving independent statehood, especially since the

international community remained silent on the issue and left it to Canada to decide whether Quebec could be recognised as a new sovereign state. On the other hand, in legal and constitutional terms, having a less obstructed and elusive right to secession did not necessarily help Montenegro's case compared to Quebec. This provides further support for hypotheses *HLaw.1* and *HLaw.2* that an agreed independence referendum does not require a constitutional right to secession, and, reversely, that a constitutional right to secession does not guarantee an agreed independence referendum. Nonetheless, following the close 1995 referendum outcome, the Canadian host-state realised the need to clarify the right of its provinces to secede and which means could be employed to do so rather than leave it to secessionist actors to take the initiative (see next chapter).

VI.1.b. A binding referendum?

While the right to secede left little room for contestation in Montenegro, the means to achieve this were controversial. Montenegro had the capacity to hold referendums without federal government consent. A consultative referendum on independence could, in theory, have been held quite easily. However, how the referendum outcome should be interpreted and whether it was binding was another question. The existing Constitution of Montenegro of 1992 contained two somewhat contradictory provisions. While Article 2 stated that 'any change in the status...shall be decided only by citizens in a referendum', Article 119 required that amendments regulating the 'status of the country' be approved by a two-third majority of the parliament (*Constitution of the Republic of Montenegro* 1992). Accordingly, it was not clear whether the referendum result alone would be binding or a parliamentary decision would also be needed.

The parties in favour of the preservation of the State-Union and Serbian politicians, not surprisingly, gave stronger credit to Article 119 and that the referendum should only be consultative (Tierney 2012, 176). Given the distribution of seats,¹³⁵ a two-third majority was out of reach. The OSCE/ODIHR and Council of Europe which was asked by the EU to get involved in the early 2000s first left it up to the Montenegrin Constitutional Court to settle the question, although it primarily favoured the Serbian reading (Venice Commission 2001, 7). The constitutional court sided with the independentists and held that Article 2 prevailed and the referendum would, therefore, be final and binding (Şen 2015, 123). Slovak diplomat Miroslav Lajčák, acting as negotiator and supervisor of the referendum on behalf of the EU, endorsed this view in 2002 (Friis 2007, 83). The binding nature of the referendum was confirmed in the Charter of 2003: 'The decision on breaking

¹³⁵ *Together for Yugoslavia/Change* (TfY/TfC) had 33 seats vs. 44 seats for *Victory is Montenegro* (DPS/SDP), Liberal alliance and ethnic-minorities parties, out of 77.

away from the state union of Serbia and Montenegro shall be taken following a referendum' (*Constitutional Charter of the State Union of Serbia and Montenegro* 2002, Article 60).

Quebec's official procedure to hold plebiscites was first considered in 1966 by the Union Nationale party but it was never enacted into law (Tellier 1967, 100). Quebec, as with the other provinces, holds the right to modify its own constitution if it does not infringe on the federal constitution. After coming to power, the PQ proposed a white paper on public consultation in the summer of 1977, detailing measures on the process and controls of expenditures. Bill 92, known as the *Referendum Act*, was passed a year later (Rocher 2014, 30). The same regulations applied for the 1995 referendum, with minor amendments to the Referendum Act of 1978 in the interim years (e.g. Chapter V, and VI). Where the act was silent on the modalities, the Election Act regulating normal elections applied. A similar procedure was in place in Montenegro ('Law on the Referendum of the Republic of Montenegro' (Serbia and Montenegro' 2001, Section IV, Para. 34-35)).

The result of the referendum was non-binding on the Quebec government and was meant for "consultative" purposes (*Referendum Act* 1978 c. 6, s. 7). The National Assembly had to issue a writ setting the date of a referendum to be held on a specific issue. Polling day could not be held further than 60 days following the writ (*Referendum Act* 1978 c.6, s.13-15). The procedure around the referendum itself did not go against the federal constitution, nor did it infringe on federal powers. Yet, the question to be addressed in 1980 and 1995 by the Quebec electorate included changes to legislation that went beyond the power vested with Quebec's government. This point was raised in a legal challenge in the process leading up to the 1995 referendum. The referendum question was to include reference to the adoption of a bill declaring Quebec's sovereignty (*Bill 1*) '*an Act respecting the future of Quebec*'. The legality of this bill was challenged by Guy Bertrand in the Superior Court of Canada and asked for the referendum to be suspended (known as the *Bertrand vs. Quebec* case).

The case did not proceed in time and the referendum went ahead. Despite allowing for the referendum to be held, Justice Lesage did make a statement that the bill could be in violation of the constitutional order. He also deemed that secession would need a constitutional amendment, and a unilateral declaration of independence would be illegal (Kohen 2006, 421–22). Parizeau defended the bill by arguing that the Constitutional Act of 1982 did not apply to Quebec (Cardinal 2005, 148).

VI.2. Referendum Design

The lack of provision at the federal level on referendums before 1993, and the right of provinces to amend their own constitutions meant that the federal government had no control over the referendum design in the two Quebec independence referendums. The Quebec Referendum Act meant that the layout of the referendum process was almost exclusively in the hands of the National Assembly – lead by the Péquistes, who could submit a question or a bill it had adopted for consultation (*Referendum Act* 1978 c. 6, s. 9). The federalist and opposition parties did not have a say in its formulation and the secessionists could, therefore, set the rules to their advantage. Nonetheless, the referendum design was not completely undisputed, as we shall see when reviewing its key provisions.

In Montenegro, the DSP and pro-independence coalition partners passed the Law on the Referendum in 2001 without the support of the pro-unionist parties. This law shaped the referendum structure that was to be negotiated and that would ultimately lead to the Law on the Referendum on State Legal Status adopted by the Parliament of Montenegro on the 1st of March 2006. Despite the international community resistance to the referendum and notably the EU intervention to delay it in 2000, the existing provisions for a referendum were reviewed to decide whether they could be deemed acceptable to international standards (Cazala 2006, 165).¹³⁶

The OSCE/ODIHR was first to review the existing provisions in place in 2000, followed by the Council of Europe's advisory body on constitutional matters - the Venice Commission. These institutions' reports and recommendations helped shape article 60 of the Constitutional Charter, which “sealed” Montenegro's right to hold a plebiscite on independence (Tierney 2012, 175). Their recommendations were not binding and the legislations to be adopted for the upcoming referendum had to ‘be implemented in a manner that maintains constitutionality within Montenegro’ (Introduction, Venice Commission 2005, 4). It is important to note that the Venice Commission originally found the existing Montenegrin legislations and Referendum Law acceptable and matching existing provisions in established democracies (c.f. Venice Commission 2011).

¹³⁶ E.g. article 3 of the European Convention on Human Rights on Civic and Political Rights which included requirements for the official authorities to remain neutral and provided unbiased information, and limit the use of public funds in the campaign. The 2001 OSCE/ODIHR assessment raised important areas to improve on, such as more transparency in the voting process and counting of the ballots, along with the need to provide adequate observation during the referendum (OSCE/ODIHR 2001a, 2.1).

Nonetheless, it repeatedly emphasised that for the sake of finding a consensus and increasing the legitimacy of the referendum outcome, revisions should be made to existing provisions. It was essential to have the pro-unionist actors on board as shown in the concluding remarks:

However, this does not necessarily mean that the envisaged referendum on independence should be carried out on the basis of the existing legislation. On the contrary, *the Commission strongly recommends that serious negotiations should take place between the majority and opposition within Montenegro in order to achieve a consensus on matters of principle concerning the conduct and implementation of the proposed referendum.* (Article 64 Venice Commission 2005, 16, Emphasis added).

It is interesting to note that, in the established western democracy that is Canada, this was never brought up as a major concern. The Venice Commission of the Council of Europe was an important factor in the legitimisation of the referendum process in Montenegro, while in Quebec, following the existing constitution and procedure at the federal and provincial level was sufficient not to delegitimise the referendum process itself, although the subject put to the vote was controversial. From the international organisation's reviews of the existing provisions to entrenching the need for external observers during the referendum (notably the EU) under article 60 of the Constitutional charter, the Montenegrin pro-secessionists had to contend with the international community accepting the referendum procedure as democratic and compromise with the opposition. Given the initial reluctance of the EU to see Montenegro secede, and strong internal opposition, secession via a referendum was compromised and made more difficult since the rules could be manipulated to the advantage of the status-quo.

VI.2.a Who gets to vote?

The nature of independence referendums, because of the important questions they ask in terms of popular sovereignty and identity, make them a potentially much more far-reaching issue than normal elections, or referendums on societal (e.g. abortion) or constitutional questions. The very nature of the state is amended (in the case of Montenegro, in more symbolic than practical terms since the “creeping independence” policy), with the possibility of a very different political and economic trajectory following this change (see campaign in chapter VII). Moreover, because referendums on independence emerge from the postulate that a state is needed to preserve or pursue the interest of a nation or people, who is to form the future demos, and therefore have a say, is a critical question.

One of the most controversial points in Montenegro and one that could have been decisive to the referendum outcome was the question of who would be allowed to vote in the independence referendum. As seen in the existing literature in chapter II, we can expect that an electorate which closely follows the definition of the nation proposed by the secessionist actors might be easier to mobilise in favour of separation. The socio-demographic profile of Quebec put the PQ at an advantage compared to the Montenegrin government. The Parti Québécois call for an independent Quebec was primarily directed at the 80 percent of Francophone Quebecers. They form the core the Quebec nation, holding a right to self-determine and statehood. Montenegro's society is much more heterogeneous.

The 2003 census registered in addition to the 40 percent Montenegrin identifiers and 30 percent Serbs, 14 percent Bosnian/Muslims, 7 percent Albanians and 1 percent Croats identifiers (OSCE/ODIHR 2006a, 4). The "Montenegrians" self-identifiers, representing the old-standing nation to retrieve its lost independence, were not enough to secure victory in an independence referendum. The ethnic distribution of Montenegro meant that minorities' support for independence was crucial for the separatist government to stand a chance at winning the plebiscite. Serb-nationalism and Belgrade policies in the region under Milosevic ensured that the ethnic minorities living in Montenegro would be more inclined to support independence, especially with the overall civic rhetoric employed by the separatist coalition governments in Podgorica (c.f. next chapter). Even then, victory remained within the margin of error, especially when some Montenegrin-identifiers remained ambivalent about breaking all links with Serbia.

The citizenship law of 1999 increased the number of years of residency needed to establish citizenship and the right to vote. The legislation in force in 2001 in Montenegro, embedded in Article 11 of the Law on the Election of Municipal Councillors and Representatives, stated that only citizens of Montenegro who were permanent residents in the republic for a least 24 months were eligible to vote. There was a concern at the time that, if the referendum was to be held in 2000 or 2001, Montenegrin citizens would be denied a right to vote when they may have been able to do so previously (OSCE/ODIHR 2001a, para. 3.47-3.49). The Venice Commission also believed the condition of 24 months of residence 'excessive', with international standards ranging between six to 12 months (Venice Commission 2005, Art. 63).

This procedure was also contested because it excluded the substantial number of Montenegrin citizens residing in Serbia, who were generally more likely to support union with Serbia. The pro-unionist coalition in cooperation with the Serbian government

presented a list of more than 260,000 people who they believed were entitled to vote in an independence referendum in 2001 (Şen 2015, 141). The number advanced by the Serbian authorities and supported by the pro-unionists in Montenegro represented an almost 50 percent extra votes from Serbia, significantly influencing the outcome of the referendum. Adding all of the voters from Serbia would have been a game-changer in 2001 given the electorate within the Montenegrin republic only showing a slim and yet uncertain majority in favour of secession.

In 2006, the Montenegrin government was more confident given the polls; but they only predicted that the special threshold of 55 percent Yes votes (see below) would barely be met, *excluding* any supplementary votes from Serbia. The question of voting rights for Montenegrins living in Serbia was raised again by the Serbian Prime minister Kostunica in June 2005. He handed to the EU commission statistical data on the number of Montenegrin residents in Serbia (a list comprising 64,802 names) and declared that without them the referendum was ‘undemocratic’ (Loza et al. 2005). The Montenegrin government answered by pointing out that the citizens cited already exercised their voting rights in Serbia in accordance with article 7 of the Constitutional Charter and were therefore not eligible to vote in Montenegro, and added that Serbia should not intervene in Montenegrin affairs (Dzankic 2013, 334–335). Meanwhile, the pro-union opposition leader declared on October 2005 that Montenegrins residing in Serbia ‘would not need to respect the referendum result’ if they were not consulted (Prelević 2005, 272; *Vijesti*, 14 October 2005).

The Venice Commission was also of the opinion that Montenegrin residents in Serbia were not eligible, yet Serb residents in Montenegro were (Venice Commission 2005, § 62). Following the constitution’s provision, on December 3rd the Supreme Court of Montenegro reiterated that all Serbian adult citizens residing in Montenegro for over 24 months would be allowed to register and vote (*Vijesti*, 6 December 2005, p3). Between the referendum announcement (in 2005) and the deadline to register to vote, an additional twenty-one thousand eligible voters were added (OSCE/ODIHR 2006b, 1). The mobilisation outside Montenegro, excluding those coming from Serbia, represented around 4 percent of the total electorate body of 485,718 registered voters according to Morrison (2009, 217).

Changes to the electoral list so close to the referendum risked compromising the legitimacy of the outcome and accusations of gerrymandering. Yet, for the referendum outcome to be binding and settle the question of Montenegro’s status, pro-Serb satisfaction with the consultation process was crucial as discussed in chapter II. In this

case, the expansion of the electoral list, most notably to Montenegrins in Serbia, would have been to the advantage of the pro-unionist camp. The very restrictive inclusion of certain Montenegrin residents in Serbia was a considerable victory for the Yes side as their addition did not represent as much of a threat. The inclusion of a much smaller number of Montenegrins residing in Belgrade into the electoral list is primarily the result of the mediation work of the EU and the need to find an acceptable compromise for the pro-unionist camp and Belgrade.

The question of franchise was much more straightforward in Quebec in 1980 and 1995 for the reasons discussed above. To regulate the eligibility to vote in a referendum, the Referendum Act referred to the Quebec Election Act, as for normal elections. To be able to vote in the 1980 and 1995 independence referendum one had to be at least 18 years old, of Canadian citizenship and domiciled in Quebec for at least six months (*Election Act* 1989). Some people, including five students of the Bishop University, were found to have violated this provision and voted in the 1995 independence referendum when they were not eligible to do so and were fined Can\$ 500 (DGEQ 2016). Residents outside Quebec could still vote in the referendum in 1995 if they demonstrated that they had left Quebec temporarily after being domiciled in Quebec for 12 months, and 15,000 electors registered to do so (vs. 3,000 for the 1992 Charlottetown referendum). A majority of them supported the option to remain within the Canadian federation (Laforest and Montigny 2014, 5).

Nonetheless, Quebec had a different problem when it came to its electorate. Cree and Inuit of northern Quebec were a possible obstacle to the territorial ambition of an independent Quebec. In 1980, the voice of Aboriginal peoples remained relatively unheard and unconsidered, the Quebec and Federal government rarely mentioning their status and fate in the debate over sovereignty despite the fact that many Aboriginal peoples were hostile to the Quebec government (Wherrett 1996, 3).¹³⁷ In 1995, they clearly stood against Quebec's separatist plans. They challenged the claim of Quebec territorial sovereignty by offering a competing right of self-determination and further allowed the No camp what it had previously argued: 'If Canada is divisible, Quebec should be divisible too' (Trudeau, quoted in Shaw and Albert 1980, 156). Most of the territory inhabited by these groups was not part of the original confederal borders (Whitaker 1999, 83).

The secessionist side dismissed such claims. Prior to the second referendum being set in motion, Parizeau stated emphatically that, 'If you think 20,000 Cree and Inuit are going to leave Quebec and take two-thirds of its territory - no way' (quoted in Gerber 1992, 24).

¹³⁷ Especially after the James Bay hydroelectric project in the 1970s which would have flooded vast areas of Cree and Inuit's territories.

In 1995, the Quebec government reiterated again that, under international law, Quebec had the right to maintain its current borders and Aboriginal peoples did not have the same right of self-determination as Quebecers (Wherrett 1996, 8). Although they did not present a challenge in electoral terms, being a very small proportion of the total Quebec population and electorate, they could have had a strong symbolic impact on the legitimacy of Quebec's territorial claim. They could be instrumentalised by non-Aboriginal actors opposing secession to withhold recognising Quebec's independence if the Yes had won. Montenegro did not have such issues with its minorities as the vast majority supported independence.

Aboriginal peoples argued the Quebec government threatened their language and territory (The National 1995). The Grand Council of the Crees stressed the right of Aboriginal people of self-determination in October 1995 by publishing a study entitled *Sovereign Injustice: Forcible inclusion of the James Bay Crees and Cree territory into a sovereign Quebec* (Grand Council of the Crees 1995). In addition, they held their own pre-emptive referendum asking 'Do you consent, as a people, that the Government of Quebec separates the James Bay and Cree traditional territory from Canada in the event of a Yes vote in the Quebec referendum?' (Wherrett 1996, 5). The question in itself did not go against Quebec's secession, but just the particular territory of James Bay. A similar plebiscite held by the Inuit of Nunavik and stood more clear against the Perquisites plebiscite: 'Do you agree that Quebec should become sovereign?'.

While First Nations did not threaten outright to boycott the referendum, the holding of two parallel referendums is a partial rejection of the Quebec's government referendum. 96.3 percent of the 77 percent of Crees and 96 percent of Inuit who voted in the referendums held prior to the Quebec government official plebiscite rejected that their territory be separated from the Canadian federation. Aboriginal peoples' own claim to self-determination challenges the principle of one man/women one vote and at the same time that their belonging to the Quebec "nation", or that Quebecers have full claim over the province territory. If the "people" of Quebec get to decide on their status, so should first nations, as a people, have a right to do so. While in 1995 their status was raised by the No side campaign and federal government, they never became a core issue, nor one that was instrumentalised by the No side to argue against Quebec's independence. This could be partially due to fears of setting precedents for other first nations across the Canadian territory.

Section 35.1 of the Constitutional Act, 1982 states that the federal and provincial governments need to consider Aboriginal people of Canada in major constitutional

changes, yet it does not state whether their consent is needed, only their consultation. Monahan believes ‘The judiciary requires it [the Canadian Government] to obtain the consent of Aboriginal peoples directly affected by the government endorsement of any amendments permitting a province to secede’ (1995, 17). The federal Clarity Act later conditioned the passing of a constitutional amendment to acknowledge a province secession to include successful negotiations on certain key issues including ‘interests and territorial claims of the Aboriginal peoples of Canada, and the protection of minority rights’ (Clarity Act, [2000]. C.26, 3(2)).

Şen believes that in the context of sovereignty referendums the residency criterion seems to be less controversial than ethnic or geographical origin (2015, 140), although not without issues in a context of post-violence, occupation or decolonisation with important movements of populations. This was indeed the case in Quebec (and Scotland) where residency criteria were accepted overall, but less so in Montenegro where the negotiations on who was allowed to vote were much more disputed. This controversy might have emerged as a result of the close polls and a relatively small Montenegrin population meaning a change to the electoral list could have made a substantial difference (less so in Quebec). It also has a more ethical dimension, given the different understanding of the Montenegrin vs. Serb identity and where the boundaries between the two lie, as discussed in the previous chapter.

In Canada, English Canadians generally took a back seat on the question of secession as Francophones were more readily seen by their language as distinct. Moreover, Quebecers have a second identity to rally with: Canadian. In Montenegro, by the 2000s, the “Yugoslav” identity that was found to be the stronger in the small republic during the SFRY was no longer relevant. The identity related to Serbhood which encompassed early nationalism in Montenegro in the late 19th and 20th century was now strongly associated with Serbia (Dzankic 2009, 2013). These two examples show that the “people”, as an electoral body, can be constructed in different ways and be challenged by the number of individual voters or specific groups and counter claims of self-determination.

While I agree with Laforest and Montigny that ‘[...] gaining consensus between central and sub-state government is more important than maintaining consistency between pre- and post- independence enfranchisement’ (2014, 5); left-out actors at the societal/electoral levels could threaten the implementation of the referendum result and lead to further conflict. For the ‘loser’s consent’ discussed in chapter II to operate, one needs to have a chance to participate in the first place (Anderson et al. 2005, 20, 189). Accordingly, a voted casted against secession can be more favourable to independentists than no votes at

all. Even when such participation is possible, as with first nations in Quebec, competing claims of self-determination pose a more fundamental question of who has a right to self-determination, a question without answer as chapter I has shown.

VI.2.b. Qualifying majority

The non-binding and *consultative* nature of the referendum did not require the Quebec Referendum Act of 1978 to specify a qualifying majority since the referendum was not designed to be determinant in legal terms, although it was meant to be politically binding. Once again the narrative around the independence referendum and how it is instrumentalised is crucial in understanding its effect and not solely the legislation around it. It is a political, not legal, configuration of the referendum design. The simple majority was stated in the 1979 white paper tabled by the Parti Québécois entitled *Quebec-Canada: A New Deal. The Quebec government proposal for a new partnership between equals: sovereignty-association*. It also stated: ‘We must [...] convince ourselves that if *the majority of Quebecers say YES* in the Referendum, Ottawa and the rest of Canada, though they will be disappointed, will have no choice: they will negotiate’ (Quebec Executive Council 1979, para. 6.1).

This threshold was never officially disputed and barely mentioned in 1980 by the opposition, which instead focused its criticism on the wording of the question. It became more problematic in 1995 as the wording was more clearly about the possibility of outright independence without negotiations involved and when polls started to show a majority in favour of the Yes (see next chapter). The Canadian Prime Minister at the time, Jean Chrétien rejected the simple majority in September and declared that ‘In a country like ours, to recognise that at one time a rule of majority plus one could break up a country would be irresponsible’, especially since the wording of the question was confusing, he argued (quoted in Campbell 1995). Preston Manning, leader of the Reform Party, denounced this statement as confusing and undemocratic as it would fail to honour the choice of a majority of Quebecers (ibid).

The Quebec case shows the drawbacks of not having a clear agreement on the referendum. The lack of clearly agreed procedures meant that the referendum outcome could be more readily contested. The majority threshold became a core concern in 1996 when the Supreme Court of Canada was asked to deliberate in Quebec’s right of secession. The Canadian Supreme Court’s *Quebec Reference* was then used by the EU and the Council of Europe to advise on the Montenegrin referendum design. For instance, the case of Quebec is used extensively from paragraph 34 to 37 in the Venice Commission report (Venice Commission 2005).

While the quantitative analysis did not provide support for hypothesis *H_{Sup4}* that presence of endorsement quorums makes it more difficult to achieve a qualifying majority support in favour of independence, and therefore secession, in a case like Quebec and Montenegro, they can be a game-changer. The pro-Serbian Tfy/C five-party coalition had argued in the early 2000s that given the importance of the question and the momentous consequences a Yes victory would entail, a simple majority was not sufficient. It called for a weighted majority mentioned by the OSCE/ODIHR and Venice Commission¹³⁸, demanding as much as 70 to 75 percent of votes in favour of independence (S. Vuković 2015, 436).

Given the opinion polls in 2001, the DSP and pro-independentist coalition partners would have found it difficult to accept the Tfy request. The Montenegrin Referendum Law of 2001, passed without the opposition consent, clearly stated that for the change proposed in a referendum to be valid, 50 percent of the registered voters would need to cast their vote, and 50 percent plus one in favour of the proposed option (Article 37). These requirements followed the provisions already in place for referendums to be held in the republic and the SFRY constitutional provisions.¹³⁹

It was not until the negotiations under Lajčák in 2005-2006 that a crucial compromise was made on the threshold question. A 55 percent endorsement threshold, originally proposed by the EU Foreign Policy Chief Javier Solana, was requested by the EU after it had rallied the No side to consent to it. From an interview with Lipka in 2001, it seems the mediators took into account that the government's winning margin was never over 10 percent. This information was used to establish a buffer zone needed for either side to have a 'clear, visible and convincing' result (S. Vuković 2015, 437). The special majority was contested at first by the Montenegrin government which lobbied Brussels to have the rule amended for a simple majority endorsement of secession. It argued that this rule was unfair and went against the referendum set-ups found in Europe and pointed out the Danish referendum model only required 40 percent of the electorate in favour of the proposition subjected to them in a plebiscite (Traynor 2006).

With the polls showing a 55-45 split in favour of independence when accounting for respondents' socioeconomic profile by 2006, Djukanović accepted the 55 percent threshold under EU pressure. The EU insisted on those terms being respected to recognise

¹³⁸ 'Some level of weighted or qualified majority for a referendum question to be approved is preferable to ensure acceptance of the result and the safeguarding of stability.' (OSCE/ODIHR 2001b, 1).

¹³⁹ The Venice Commission had ruled that the simple majority and participation threshold were once again within adequate democratic international practices; yet, given what was at stake, a special majority would be more appropriate (Venice Commission 2005, Para. 40).

the outcome and monitor the referendum process which was a prerequisite set out in the Constitutional Charter for the referendum to be validated. Friis believes ‘the EU was capable of promoting the 55 percent threshold in the referendum since it had the “stick and carrot” power of future membership’ (2007, 86). Vuković (2015, 436) did not find evidence however that EU membership was used as a bargain, but the need to recognise the process and independence, which I agree would have been the priority.

Yet, this endorsement quorum created a “grey-zone” between 50 and 54.99 percent, which remained a strong possibility given the poll’s margin of error. The separatist government, and/or its smaller coalition patterns in the Yes camp may have declared victory as it was still a majority in favour of independence. On the other hand, the opposition would have most likely not recognised the outcome as a Yes victory and backed by Belgrade, refused a second referendum after the 12-month probation between two plebiscites was lifted. This threshold poses the ethical question of whether a minority can decide for a majority (50+1). Some members of the pro-independence coalition had argued during the campaign that a simple majority would still be enough despite the threshold having been adopted by the Montenegrin government. Miroslav Lajcak denounced the members of the pro-independence bloc who made the public remarks: ‘There is a distinct lack of seriousness with politicians going around the world saying that as far as they are concerned 51 percent would be taken as a signal that the state union would no longer exist’ (quoted in Qvortrup 2015, 28).

To be endorsed by all parties - secessionist, unionists and the international community - here symbolically represented by the EU - independence required 50 percent plus one of all eligible voters and 55 percent of those voting in favour. While not the best of “deals”, it constituted something of the victory for the unionists since, given the poll’s margin of error, they could still hope to win the referendum by reducing support for independence below 55 instead of 50. This threshold was also a motivation to mobilise pro-Serbs voters and reduce the incentive to boycott the referendum, legitimising further the referendum outcome in the case of a Yes victory.

The quorum on participation had been problematic as it could have encouraged the pro-unionist bloc to boycott the referendum, questioning the overall legitimacy of the vote. This possibility led to disagreements within the pro-independence coalition in late 2001. The SDP and LSCG wanted to introduce a specified provision on the referendum to dispose of the 50 percent turnout rule (International Crisis Group 2002, 3). The DSP did not support the new law in Parliament as, despite being advantageous, it would have been tricky to defend in front of those the party was trying to gain approval from, notably the

EU, and negatively impact the legitimacy of the referendum process. It was particularly risky for Djukanović's image as he was dealing with the end of the "honeymoon" period following Milosevic's fall at that time (interview with Bender in Dzankic 2009, 194).

Furthermore, it would have been easier to claim victory with the boycott of the unionist forces if the pro-secessionist followed the legal provisions in place, rather than amend them to their advantage just before the referendum, and still risk a pro-unionist boycott. This relatively low threshold adopted did not considerably undermine the Yes side chances. The DSP justified its decision by referring to the OSCE/ODIHR and Venice Commission reports at the time which were favourable to the 50 percent turnout quorum (OSCE/ODIHR 2001a; Venice Commission 2005, para. 22).

The hypothesis formulated in chapter II in light of existing literature on referendums that turnout quorums can invalidate a majority in favour of independence (*HSup3*), while it did not occur, was a major concern for the Yes side and the international organisations which were to grant recognition. The Montenegrin case also shows that the chances of winning the referendum in terms of support were weighted against ensuring the process is seen as appropriate in order to confer legitimacy to the outcome.

I did not find evidence that turnout was a concern in Quebec's referendums. The general elections procedure applied. Furthermore, by engaging with the campaign and legitimising the referendums, the secessionist opponents ensured that the No voters were mobilised, notably as the campaigns got more intense when polls suggested a narrower chance of victory (c.f. Kriesi 2005 among others in chapter II).

VI.2.c. What is the Question?

The law regulating referendums in Quebec followed an exclusively PQ-led parliamentary process. The implementation of the law remained nonetheless controversial. Most contentious of all in the case of Quebec in both plebiscites was the question's wording. The question was concluded by a motion after a 35 hour televised debate in the National Assembly in March 1980. The independentist actors, who had led the process so far, were better prepared than the opposition which was also less well staffed to deal with the upcoming plebiscite (Bergeron and Fischman 1980, 1). The 1980 question did not ask whether Quebecers agreed to outright independence, but whether they gave a mandate to the Quebec government to negotiate a new agreement with Canada as a sovereign nation with a second plebiscite to be held on independence once the terms of the new "association" had been settled:

The Government of Quebec has made public its proposal to negotiate a new agreement with the rest of Canada, based on the equality of nations; this agreement would enable Quebec to acquire the exclusive power to make its laws, levy its taxes and establish relations abroad — in other words, sovereignty — and at the same time to maintain with Canada an economic association including a common currency; any change in political status resulting from these negotiations will only be implemented with popular approval through another referendum; on these terms, do you give the Government of Quebec the mandate to negotiate the proposed agreement between Quebec and Canada? (Lévesque and Pelletier 2005, 14).

In the debate, the leader of the official opposition's opening statement directly attacked the ambiguous plan of the PQ and described the proposed wording as 'arbitrarily and unfairly' favouring the Quebec government. The concern that a biased question may sway voters in favour of independence is supported by some of the literature discussed in chapter II, along with specific studies on the Quebec referendum question wording (e.g. Yale and Durand 2011). Ryan accused the PQ of failing to meet its own promises, such as their 1971 programme which stated that 'Referenda will offer the people of Quebec clear and distinct options, formulated unambiguously'. He also emphasised that a Yes for the proposed wording meant 'a Yes to independence, to the political sovereignty of Quebec, to breaking the Canadian federal link' (quoted in Bergeron and Fischman 1980, 24, 28). The dispute over how the question should be worded, but also what the question meant is part of the bigger framing battle between the federalist and sovereigntists in Quebec and is explored in depth in the next chapter. Despite the length of the debate, the original PQ question wording was almost intact and the referendum was scheduled for May 20th.

While some sovereigntists had wished to ask a more straightforward question on independence, Lévesque knew this would be too radical to stand a chance of success and drafted the question to 'ease as much apprehension over sovereignty as possible' (Mau, 2005b:99). The PQ caution to suggest dismissing the link that unified Quebec and Canada since 1760 reflects the voters' attachment to the federation (Henderson, 2007:124-126). It was also the product of well-researched electorate sensitivity to the terminology used. The terms "separation" or "independence" showed weaker levels of support than the term "sovereignty" when used in the question.

The combination of sovereignty with "association" or "partnership" was even more popular (Cloutier, Guay, and Latouche 1992, 49–50; see also Pinard 1997). Indeed, the emphasis was placed on the process that was to take place, a clear "étapist" approach in 1980, rather than the goal, "sovereignty-association", to increase the chances of a Yes victory. The PQ 'was asking for authorisation to begin negotiations because it knew that

a referendum on independence would fail’ (Rocher 2014, 29); in 1995 due to a change in the PQ leadership and increased dissatisfaction with the status-quo among Quebecers, the party felt more confident to skip some of those steps.

The honesty and legality of the wording were questioned throughout the referendum process and campaign. For instance, Liberal member of the National assembly Herbert Marx alleged the question was illegal in regard to the referendum act as it did not provide equal space for both options and was biased towards the Yes option, but none of the critics went further to challenge it (Boyer 1982, 137). The lack of a legal challenge can be explained by the fact that the regular legislative route had been taken in its creation (Brun and Tremblay 1990, 602–3). The PQ had the power to pass the question because it had been democratically elected. By using the “normal”, political and institutional route it was difficult to challenge them beyond rhetoric. Yet the Quebec opposition or federal government still could have contested the legality of secession, especially unilaterally or negotiated the design, but the latter option would have likely meant a binding agreement, which, given the polls, was not needed.

Nevertheless, while the question in the 1980 referendum in Quebec was about a mandate to negotiate, the actual content of the debate was very much about the issue of separation (Rocher, 2013:31). As the next chapter will demonstrate, this is mostly thanks to a successful federalist reframing of the question and the No side take on this controversial wording as being an attempt to hide an outright independentist agenda. The second referendum of 1995 had a somewhat clearer question and purpose. A first draft in 1994 read ‘Are you in favour of the Act passed by the National Assembly declaring the sovereignty of Quebec? Yes or No?’ (Tierney 2012, 234). The final version, written in both English and French on the ballots¹⁴⁰, changed substantially:

Do you agree that Quebec should become sovereign, after having made a formal offer to Canada for a new Economic and Political Partnership, within the scope of the Bill respecting the future of Quebec and of the agreement on 12 June 1995? YES or NO? (Lévesque and Pelletier 2005, 50).

The 1995 shorter question had the merit to be more direct on the “sovereignty” side but remained complicated by the reference to an economic and political partnership with Canada and a Bill which required voters to investigate further what the question was about. It is still clearly about independence given the definition of sovereignty offered by the PQ, but it offered the possibility to relinquish part of Quebec’s sovereignty on

¹⁴⁰ For first nation communities the ballots were also made available in their native language (*Referendum Act* 1978 c.6, s.20-21).

economic matters (using European Community as an example in discourses) in order to share these competencies with Canada (Parti Québécois 1993, 62–64). The Sovereignty Bill empowered the National Assembly to declare independence on behalf of the people of Quebec even if the negotiations it was “bound” to propose for a new economic and political partnership with Canada failed (*Bill 1 An Act Respecting the Future of Quebec* 1994, preamble). This meant that the Quebec National Assembly could unilaterally declare independence.

The polemic around the wording of the referendum question was addressed by the Supreme Court of Canada who stated the need for a “clear” question, (Reference re Secession of Quebec 1998, 2). The Host-state leaders have now legally bound the issue to be clearly about Quebec ‘independence’ and separation: ‘cease to be part of Canada’ (Clarity Act 2000, s 1(3)). The federal parliament would have 30 days to decide whether the question is indeed clear. The rest of the referendum’s modalities, bar the question of the qualifying majority, remain with the Quebec government.

The two questions’ wording were meant to alleviate the fears of Quebecers about the uncertainties and drawbacks of a full break-up with Canada. In Montenegro, such fears were lessened by the context the republic found itself on the eve of the referendum. The word “independence” did not have the negative connotation found in Quebec. Serbia (particularly its elite) was framed as much more of a threat than the Canadian federation, meaning that separation could be seen in a more positive light. Finally, by the time the referendum was first announced in 2001, Montenegro was already acting as a de-facto independent state and its political and economic ties with the federation were already severed. Hence, there was little to lose in absolute terms in becoming independent.

No evidence was found to suggest that the question’s wording had been a controversial issue in Montenegro. The debate surrounding the independence question had been around for a few years prior to the referendum leaving little room for rhetorical manoeuvres as to what “independence” meant. Moreover, the involvement of the European Union and other organisations such as the Council of Europe, concerned with the fairness and democratic process of the consultation also helped ensure that the question was clearly worded (Whitmore 2006). The question was officially announced in March 2003 when the ‘law of the Referendum on State Legal Status’ was enacted and read:

Do you want the Republic of Montenegro to be an independent state with a full international and legal personality? (OSCE/ODIHR 2006a).

The ballots were printed in Serbo-Croatian using the Cyrillic alphabet, and another set of ballots were available in both Latin script and Albanian.¹⁴¹

VI.3. Campaign Design, Spending and Oversight

The referendum design can set who can campaign and how they can mobilise voters. The literature on elections and referendums covered in chapter II has highlighted the importance of actors involved in the process and their resources in explaining public consultation outcomes. From political elites to the media and the electorate itself (de Vreese 2007, 7), all contribute to some extent to the referendum outcome, turnout, and the satisfaction with the overall referendum process. While it is not possible to test the effect of the media for instance or the external intervention impact on the perceived legitimacy of the outcome, it remains important to cover these elements. In particular, it is worth analysing who were the official and unofficial actors in the campaign, whether their intervention was seen as legitimate, how they were constrained, and which may have been in an advantageous position to mobilise support. Furthermore, the design, oversight and enforcement of rules can help increase procedural satisfaction to secure the outcome as binding on all actors (would it be at the societal, regional, host-state or international level).

VI.3.a. Referendum oversight

The administration of the referendum and its supervision is a key element to limit controversies and ensure that both parties can trust the running of the plebiscite and everyone accepts the referendum outcome as a true representation of the will of the people. It also dictates who officially can determine the referendum to be a free and fair process. In Quebec, the Referendum Act appointed the Chief Electoral Officer and his personnel as the core body to oversee the referendum process similarly to what would apply in normal elections; therefore, not creating an exceptional body for the referendum, unlike Montenegro.

The Referendum Act did however provide for a special counsel, Conseil du Référendum, composed of three judges of the Court of Quebec appointed by the chief Judge of that Court. It had exclusive jurisdiction and final decision over the application of the

¹⁴¹ For details on the voting procedure see exchange between the RRC and the OECE/ODIHR (RRC 2006a).

referendum proceeding detailed in the Referendum Act (*Referendum Act* 1978 c. 6, s. 3). The judges also receive contestations submitted by the chairman of the national committees - the only ones under the Act able to officially contest the validity of a referendum - to recount the votes within 15 days of the polling. Yet, the recount was to take place 'only to the extent that it is of opinion that the facts alleged, were they true, would be susceptible of changing the total result of the referendum' (*Referendum Act* 1978, c.6, s. 41-42).

To oversee the referendum in Montenegro, an ad-hoc institution, the Republican Referendum Commission (RRC), was created. It was presided by Lipka and composed of 16 members, eight from each side of the referendum option. The president could only vote on a decision if the two parties were facing a stalemate. Unsurprisingly, given that each side tended to vote on what they believe would be favourable to their side, Lipka often had to intervene (Cazala 2006, 23). The RRC had two lower bodies, the Municipal Referendum Commissions and the Polling Boards, in charge of organising and administering the referendum. It was initially suggested by the pro-independence block that representatives of the international community should also be involved in each of the administrative bodies and have a vote in the likely event of a stalemate, but their internal disputes were ultimately referred to the RRC body and Lipka (Tierney 2012, 181).

The RRC's task involved the monitoring of the referendum process from the administrative work linked to the plebiscite, to the behaviour of parties and campaigners, media coverage, organising and training over 1,300 citizens to observe the voting process, and oversee the working of 1121 polling stations and report on any irregularities. As a new body, fulfilling these duties might have been more challenging than in Quebec where the Chief Electoral Officer was already in place and more experienced in monitoring elections. All the proceedings and declarations from the Referendum Commission, along with the legal documents on the referendum procedure and agreements, complaints made during the referendum campaign or after the results, were made available on their website: www.rrk.cg.yu.¹⁴² Complaints on violations of the referendum procedures could be submitted by anyone to the committee within 72 hours of the anomaly occurring. The RRC was then to issue a decision on the submitted complaint within 24 hours (RRC 2006c). By referendum day, it had met 15 times to review and rule on 59 complaints submitted over the referendum campaign (RRC 2006b).

At the time of the referendum, the democratic credentials of Serbia and Montenegro left much to be desired (Radik-Vodinelic 2005; Vucinic 2005). 22 domestic and international

¹⁴² This website is no longer online but can be retrieved using web-time machine.

organisations including the OSCE/ODIHR, EU monitoring commission, Council of Europe's Congress of the Local and Regional Authorities among others participated and produced reports on the referendum process. 615 foreign observers, excluding EU representatives, joined the 2771 RRC accredited local observers representing both sides of the debate, along with the local and foreign media to oversee the referendum process and 21 municipal commissions.

The respect for international standards during the referendum was entrenched in the Constitutional Charter of 2005 and was to be determined by external actors. Despite acknowledging irregularities, international observers declared the result 'free and fair' (Cazala 2006, 172; OSCE/ODIHR 2006b; Council of Europe 2006). Note as well that the RRC was principally composed of the very political parties that formed the two campaigning blocks in the referendum; questioning their capacity or real intentions to investigate the accuracy of the statements subject to them. In Quebec, such standards were taken for granted and generally accepted. This comparison shows that contextual standards need to be taken into consideration when talking about what constitutes a democratic expression of the will of the people.

VI.3.b. Official campaigns and funds

The way the campaigning sides are set up may facilitate or hinder an effective campaign strategy and a coherent message (Iyengar and Simon 2000, 161; Budge 1996, 77). The Quebec Referendum Act set out a provision for national committees to represent the referendum options. Members of the National Assembly had seven days from the adoption of the question or Parliamentary Bill to register with the Chief Electoral Officer in favour of one of the options as provision committees and appoint a chairperson, name and internal regulations for the official committees (*Referendum Act* 1978). Under this set-up, anyone who wished to campaign had to register as an umbrella organisation. All members of the national assembly, political parties and groups had to work within one of the two committees and within the restrictions imposed on them by the act. It was presented as a necessity to ensure the fairness of the referendum procedure by prohibiting spending from an unaffiliated (and unmonitored) individual or group.

Third parties or organisations outside the two umbrella groups were barred from spending money in the referendum campaign, including the federal government. Furthermore, a third option/possibility or alternative to two camps was not possible. This provision was well received in Quebec (Feasby 1998, 26). Some scholars found strong support among electors for such rules in established democracies (e.g. Garrett and Smith 2005, 295). This

provision was nonetheless challenged by Robert Libman, former Quebec Equality Party¹⁴³. The Supreme Court of Canada overturned the Quebec's court earlier ruling and charges against 20 people in 1995, arguing that this law went against the freedom of expression entrenched in the Canadian Charter of Rights and Freedom (Libman v. Quebec (AG) 1997, 567).

Boyer believes this dual organisation was, in fact, a strategic move on behalf of the PQ in the hope that it would have made it difficult for the No side to organise itself (1992, 139). Indeed, the PQ was the only relevant party on the Yes side in 1980.¹⁴⁴ It did not have to contend with other organisations' own vision of what should be done to win the referendum. In 1995, the Péquistes had to accommodate the BQ and, to a lesser extent, ADQ. Nevertheless, according to Boyer, this tactic did not materialise as all No side parties (four federal and four provincial) already had some experience working together and had cooperated during the Council for Canadian Unity which was essentially a pre-referendum committee as early as 1977. Similar restrictions on campaigning actors applied in Montenegro.

Because the funding campaign procedure was primarily derived from existing electoral laws, only Montenegrin political parties with parliament status had the right to use the allocated campaigning budget (Vujović 2006, 84). This limited the ability of other interests and organisations to participate in the referendum campaign and concentrated the process on the Yes and No coalitions. This set-up lead to irregularities and abuse by some organisations who forged signatures to be able to register as a political party and be eligible to campaign during the referendum (e.g. Citizens Party in Cetinje).¹⁴⁵ Two entities were accredited by the Credendum commission as representatives of the two referendum options in 2005 and bound to operate within the law of the referendum provisions: *The Coalition (Block) for an Independent Montenegro* and *the Coalition (Block) for the Preservation of the State Union of Serbia and Montenegro*.

On both sides, parties composing the two campaign blocks had already formed clear coalitions or alliances during the elections in the 2000 municipal elections, 2001 and 2002 parliamentary elections, 2002 and 2003 presidential elections around the question of

¹⁴³ Party created in 1989 to defend "English rights" in Quebec and notably stand against the Charter of the French Language ('Bill 101') which restricted the use of English in commercial signs or access to English schools in Quebec.

¹⁴⁴ Some members of Union Nationale joined the Yes ranks.

¹⁴⁵ In March 2004 a new section of the Law on Political Parties was introduced to change the way registration for political parties was done, now requiring 200 certified statements in court providing support to avoid the abuse when sole signatures were accepted. However this change was not introduced in the text of the Law on the referendum (Vujović 2006, 85).

statehood (c.f. Goati et al. 2015; and Bieber 2003). As in Quebec, this left little room for alternative visions or arguments. The Yes side in Montenegro worked well together despite the much more heterogeneous committee composed of 10 parties and coalitions: The DPS and SDP government coalition, LSGC¹⁴⁶, the Civic Party of Montenegro, Democratic Union of Albanians, National Harmony Montenegro, Civic Forum Niksic, Bosniak party, Croatian civic initiative, Democratic Union of Muslim Bosniaks in Montenegro, and the Democratic Alliance of Albanians in Montenegro.

The *Movement for the State Union of Serbia and Montenegro* was comprised of four main opposition parties: The People's Party (NS), The Serbian People's Party (SNS), Democratic Serbian Party (DSS), under the SNP leader Bulatović. Part of the SNP was apprehensive in forming a clear "Pro-union" camp as it could be perceived as acknowledging the upcoming referendum. Bulatović declared to the press that 'For the SNP, the formation of the Movement [for the Union] did not mean acknowledging the referendum' (Kaprova 2005a). Moreover, the SNP was worried about associating itself with extreme Serb nationalism. Agreeing on a common campaign strategy proved challenging (see next chapter).

In Quebec, the 1980 No campaign was headed by the Quebec Liberal Party (QLP) leader Claude Ryan. The No coalition counted in its ranks all the different political parties open to federalism in Quebec and support from those in the rest of Canada (Marsolais, 1995:69). Its coordination was not an easy task, however. In particular, Liberal MPs from Quebec did not agree with some of the strategies and the organisational setting of the campaign under the federal umbrella group. In March 1980 they even proposed to launch their own referendum campaign since the current organisational setting was slow to materialise, making some federalist voters anxious (*Globe and Mail*, 27 March 1980). In 1995, the Liberals once again led the official coalition, labelled 'Comité des Québécoises et des Québécois pour le NON', under Quebecois branch leader Daniel Johnson.

In both cases, it seems that the No side campaign, despite not being necessarily more heterogeneous in the case of Montenegro, had more difficulty in working together and campaigning. It is impossible however to know how much of an impact this had on the referendum outcome, but the three No sides suffered criticisms during the campaign for being inefficient or overly negative (see next chapter).

Officially, in both Quebec and Montenegrin referendums, financial resources were overall equal during the almost one month-long official campaigns. The legislation regulating

¹⁴⁶ The LCGS dissolved in 2005 (Kaprova 2005b), the longest party that had fought for Montenegrin independence since 1990 and its members still campaigned in 2006.

referendums in Montenegro were negotiated under EU oversight. Section IV, article 34 and 35 of the final Referendum Law provided regulations on the referendum campaign funds which was to come from the republic's budget. 2,000,000 euros were made available to both camps three days after the legislative date of the decision to call a referendum was made ('Law on the Referendum of the Republic of Montenegro (Serbia and Montenegro)' 2001/2006). It did not address the allocation of funds within the blocks who were left to agree within themselves on how to allocate and use the money. While the Civic Party and the Democratic Alliance in Montenegro within the pro-independentist block received separate funding from the total Yes-fund (and were also required to submit their own individual reports on spending), the pro-unionist block handled the funds as a single actor (Vujović 2006, 85).

The blocks were also allowed to collect donations to finance their campaign from individuals and private sources. Article 9 stated the upper limit for private donations to the equivalent of the state budget allocation (i.e. 1 million per camp); with individual donations capped at 2,000 euros and companies at 10,000. The two blocs had to fully disclose any donors' identity and the total amount received to the RRC, to be made publicly available on their website.¹⁴⁷ The Yes side gathered around an additional 400,000 euros, while the No side received 247, 000 euros in donations (Vujović, Bošković, and Ferdinandi 2006, 88).

Referendum spending and additional funds received by both parties had to be submitted for review to the RRC. If anomalies were found, fines or further prosecution were to be issued for the coalition responsible.¹⁴⁸ Yet, the two sides only submitted their reports in regard to their overall spending plan after the campaign and voting, depriving citizens of information during the campaign. Moreover, Vujović and colleagues believe the RRC was ill equipped to fully oversee the process and act on the misuse of state resources. Oversight was limited and the blocks documentation did not always meet to the best standards (Vujović, Bošković, and Ferdinandi 2006; Vujović 2006, 93–84).

In 1980, each side of the campaign in Quebec could spend a total of 2.11 million Canadian dollars. Both stayed within this limit. The funds were channelled through the umbrella committees. This included a grant of C\$1.061128 from the provincial government and additional personal contributions within the stated limit above. The No side benefited

¹⁴⁷ The Centre for Monitoring and Research (CEMI) report contains the official documents relating to the campaigns' spending and complaints (Vujović, Bošković, and Ferdinandi 2006).

¹⁴⁸ The control and review of finances during the referendum was done under its sub-committee composed of six members appointed by both sides of the referendum option and they were published the results on the RRC website, the "official Gazette of the Republic of Montenegro" and state owned newspapers.

more from funds from political parties than the Yes who collected more individual donations. The sovereigntist side declared C\$ 305,118 from almost 129000 individuals, while the Federalists only C\$ 11,573 from individual donations (Directeur général des élections du Québec 2000, 39–42; see also Boily 1992). Individuals could contribute up to 3 000 dollars but, as in Montenegro, voluntary work towards either side did not count.

In 1995, the same formula was used to set the amount to be given to each side. It was not to exceed .50 Canadian dollars per elector. Both sides received 2 543 490 dollars from the provincial government, and with their own political parties and individual contribution the No side declared a total of 5 186 690 dollars, and the Yes 5 224 377 dollars. Every expense was regulated and recorded by both sides and reviewed and monitored at the provincial level by the Directeur général des élections du Québec (DGE) (Rocher 2014, 30). For instance, the Director General of political party financing investigated 84 complaints on campaign spending in 1980 (Boyer 1992, 141). The Grenier Report, commissioned by the Chief Electoral Office of Quebec published in 2007 a list of “illegal” spending from the No side (around 500 000 Canadian dollars) in 1995 (Raport Grenier 2007). The No side funding bias was largely due to the Federal intervention. The Referendum Act did not allow for the control of spending outside of the Quebec province as it felt outside of its jurisdiction. The host-state intervention, in both Quebec and Montenegro, proved controversial.

Host-state involvement

In both Quebec and Montenegro, the only two official campaigning bodies were the Yes and No coalition campaigns. Yet, in both cases, many other actors got involved and tried to sway voters. When the Quebec government initiated the referendum process in the late 1970s, it was made clear that this was a provincial matter. Premier Lévesque had previously said that ‘Any intervention, federal or otherwise, would be rejected as a manifestation of insupportable tutelage’ (Lévesque 1979, 108). The federal government intervention in 1980 and 1995 with indirect “advertisements” and spending skewed the flow of information in favour of Canada according to the Yes side.

During the late 70s and 1980 information clips were broadcasted highlighting the current benefit the federation offered in terms of social programmes and investments in the province to ‘inform’ voters (Rose 1993). More controversial were the six million family benefit and old age pension cheques sent with an attached message reading ‘Non, merci... ça se dit bien’ (No, thanks ... it sounds well) (Rocher, 2013). The federal spending-outside of the Referendum Law jurisdiction, was estimated to be between 5 to 17 million Canadian dollars in 1980 (Gagnon 1997, 10; see also Cloutier 1980; Marsolais 1992).

In 1995 another spending controversy from the federal level hit the No side. Some federalists called on Canadians from other provinces to come to Quebec and show their support even covering transportation costs, leading to sovereigntist attacks on the legality of such expenses (Young, 1999:35-36). On Friday 27th of October, an estimated 100,000 Canadians gathered in Montreal for “unity”. The rally was not only controversial because of the subsidies involved, but also because it was seen by some as a foreign interference into Quebecers’ affairs. Even members of the No campaign, especially provincial politicians, admit that it showed poor judgement on behalf of the rest of Canada (Hebert and Lapierre 2014). It is difficult to say whether this event had a positive or negative impact on the No side. Despite press reports of these plans and the rally itself in the last week of the campaign, the Yes vote-share gradually grew from 51.8% to 52.6% on referendum day (see next chapter).

These events show that which actors get involved in the referendum process and campaign can impact the perceived legitimacy of the process and what is seen as free and fair consultations. This can be particularly problematic if the result is very close. Moreover, it highlights the delicate balance needed from the No side in addressing Quebecers and their own perceived political status. In Montenegro, Serbian intervention was also controversial, but much less scrutinised than in Quebec.

Belgrade supported the No camp, financially and logistically, however finding official proof of it is difficult. Compared to Quebec, the unionist side had to contend with the lack of a true “Federal” or “Unionist” presence in Montenegro. The Serbian government was still particularly involved in mobilising eligible voters within its territory and getting them in Montenegro on voting day, notably Montenegrin students in Serbia. Serbian railways offered free returns trip to them, while the Serbian state air Carrier JAT increased the number of flights from Belgrade to Podgorica on the 20th and 21st of May and No-rallies were organised in Belgrade (Morrison 2009, 216). Similar questionable and controversial practices could be witnessed on the Yes side as well but these interventions were not prosecuted on either side.

Even if the Belgrade and federal governments in Ottawa were the sovereign authority over the host-state territory, and the primary entities able to withhold or grant secession, they had to respect and navigate some form of existing independence from their regions. The host-state involvement in the campaign was perceived in both cases by the Yes side, and even some among the No camp, as an illegitimate interference in existing levels of autonomy, and affairs of a stated “people”. It may have helped make the case for secession

as no amount of autonomy could alleviate the fact that the jurisdiction of a sub-national territory remains, ultimately, subordinate.

The Media

The mass media is an important channel of communication for both sides of the arguments, and an additional actor in the campaign (Wirth et al. 2010; Norris 2006). It also contributed to the quality of the debate such as how balanced it is or how much information is disseminated (Renwick and Lamb 2013). This brief review aims to assess whether one side was advantaged in the way the events were covered. The Conseil de Presse du Quebec (CPQ) monitored the press and was in charge of ruling on complaints about coverage brought to its attention. However, it had little power in ensuring compliance (Pritchard 1994). In Montenegro, while there were some, limited, official provision in place, and party agreements on neutral media coverage during elections (Kocan 2001, 2), their implementation remains limited and difficult to enforce.

There are very few studies of the media in the 1980 referendum (Morel 1992); overall it seems that printed media coverage of the 1980 Quebec independence referendum was found to be relatively balanced; although this was truer for Anglophone newspapers than Francophone, whose editorials were more clearly leaning towards one side of the debate according to Lachappel and Noiseux's (1980) review of eight newspaper's editorials during the campaign period. In 1995, of the two major Francophone newspapers, *La Press* was known to have a more pro-federal position, while *le Devoir* was sovereigntist. The televised media, investigated by Monière, Perella, and Thalheimer (1996)¹⁴⁹ was found to be balanced overall among the Francophone channels in the themes and times allocated, but the Anglophone less so, favouring a federalist message, especially in the last week of the campaign. In the 70s, Radio-Canada had been accused by PM Trudeau of encouraging separatism and undermining national unity. The Canadian Radio Television Commission was asked to investigate in 1977, but no evidence was found, nor in 1995 was a biased coverage of the CBC/SRC Francophone coverage of the Quebec referendum found following accusations by PM Chrétien (Hazel 2001).¹⁵⁰

¹⁴⁹ TV channels: CBFT, CFTM, CFCF.

¹⁵⁰ Intellectuals and some preeminent Francophone journalists were very critical of the liberals and supported the PQ and sovereignty during the 60s and 70s (Siegel 1996, 220). Montenegrin intellectuals also played a part in mobilising the population (Dragović-Soso 2002; Morrison 2009, 86).

In Montenegro, Bestić, Komar, and Gegaj's (2006) analysis of the printed,¹⁵¹ electronic, and broadcasting medias from the 10th of April to the 20th of May 2006 did highlight known biases. The pro-Serbian newspaper *Dan* was not surprisingly favourable to the Coalition for the Preservation of the State Union of Serbia and Montenegro with 70 percent of headlines covering the referendum either very favourable or favourable to this bloc. One of the most biased newspapers in favour of independence was found to be the *Republika*, while state-owned *Pobjeda* manage to keep around 65.5 percent of its coverage of the referendum neutral, but remained clearly in favour of the Yes side. *Vijesti* was the most balanced, with 24.5 percent of titles in favour of independence and 15.8 percent in favour of the unionist block (Bestic, Komar, and Gegaj 2006, 52–53).¹⁵² TV Elmag with the MBC channel were found to be the most balanced in their coverage of the referendum. Yet, Elmag still clearly favoured the union side in its overall programmes, but it also had a smaller audience than other broadcasting agencies. All the other channels were biased towards the Yes side, also screening historical documentaries favouring the historical interpretation of the Yes side (Morrison 2009, 214).

Overall, because of the DPS control of the Montenegrin state apparatus, and the public and private communication sector, the Yes side was clearly advantaged during the referendum campaign. The situation was more balanced in Quebec, except for the intervention of the Federal government information campaign in 1980. Given that Anglophones were already very likely to support a No vote, we may question how much of a difference this biased coverage could have made in the English-speaking media. Furthermore, Guay and Monière's study of a potential effect of the referendum coverage and publicity did not uncover any autonomic and linear effect. The authors believe it mostly reinforced predisposition and only rarely persuaded (1996, 179), especially since such biases are generally known. The content of the message is ultimately what may convince someone to cast a Yes or No ballot on referendum day.

Conclusion

The referendum design, starting with its legal basis and the right a) to hold a referendum, and b) the right to secede, exposed how the legitimacy of the referendum is constructed in two different case studies. It shows that the “agreement” does not emerge from the

¹⁵¹ Coverage includes: *Vijesti*, *Dan*, *Pobjeda*, *Republika*, TV CG1, TV CG2, ELMAG, TV IN, NTV Montena and MBC.

¹⁵² *Vijesti* even provided a free red cap - the colour of independentists - to its readers on the 15th of May, (Morrison 2009, 221).

same source or for the same reasons and points of contention vary considerably between Quebec and Montenegro. It also shows, as hinted at by the quantitative review in chapter IV, that legality is not necessarily needed for a legitimate and binding process.

Secondly, whilst the previous chapter highlighted the actors involved in bringing about the independence referendum and those who were important in making it an “agreed” referendum, this chapter went further by reviewing actors involved in the referendum process and how they could shape the referendum design to their advantage. The review of the sequencing of events that lead to referendum day in Quebec and Montenegro shows non-linear processes made of ad-hoc legislative provisions. Secessionists in Quebec had much more control over the referendum framework, from the timing, question, electorate and threshold. Every aspect of it enabled them to increase their chance of seceding by opting for a favourable wording, a known – existing – electorate, and a simple majority.

The combination of historical circumstances and precedents, the presence of a regional and fairly autonomous provincial legislature in regard to public consultations, and the existing level of support for independence meant that the internal opposition and federal government did not strongly refute the process and extensively engage with it, overall legitimising its existence and form. Accordingly, Quebec had increased chances of achieving statehood, was it not for the actual level of support for independence. The general setting – bar the federal intervention in the campaign – made for a more “even” playing field than in Montenegro, and Canada’s status of established democracy ensured higher levels of satisfaction with the referendum process overall.

In Montenegro, despite a legal right to secede and a referendum law in place, the lack of perceived legitimacy by the opposition and the potential very narrow Yes victory in 2001 if a unilateral referendum was held, meant that the secessionists had to negotiate a less advantageous design. Although independence was still within reach despite the endorsement threshold imposed, it cancelled out the gains made between 2001 and 2005 that would have guaranteed victory on a simple majority. Nonetheless, they secured something more important: a binding referendum. The possibility of the “grey-zone” of a majority of Yes vote but not 55 percent, however, would have greatly questioned the legitimacy of a No victory among the independentist supporters; especially when controversies during the referendum – as in Quebec – could challenge the perception of a “free and fair” process.

The last chapter will now turn to the referendum campaign and how both sides of the argument for and against independence framed the existing context in Quebec and

Montenegro to make their case and convince voters. I also consider the referendum aftermath and how the satisfaction with the referendum design and process ensured a binding outcome for all actors explored so far. Furthermore, we will see how core aspects of the referendum design explored in these two case studies have informed other independence referendums and may continue to do so in the future.

CHAPTER VII

Referendum Campaign and Outcome

Introduction

Throughout their history Montenegro and Quebec enjoyed a considerable amount of self-rule within their respective host-states. They never ceased to exist as separate and distinct sub-national entities with their own political, economic and cultural spheres. While their ability to hold independence referendum with the consent of the host-state considerably increased their likelihood of successfully seceding and being recognised as independent states, achieving this outcome ultimately rested in the hands of the people. Quebec and Montenegro remained partial or incomplete nation-building projects when the independence referendums were called. To appreciate the ability of the referendum to sway voters and ultimately affect the likelihood of secession, Montenegro and Quebec represent ideal case studies. In both cases support for independence prior to the plebiscite stood close to 50 percent, +/-20 percent, meeting the selection criteria laid out in Chapter II on where an independence referendum is more likely to affect the likelihood of secession. Support for independence stood below a majority in Quebec and potentially behind the required 55 percent threshold in Montenegro. Hence, the referendum campaigns were crucial to achieving or preventing secession.

This chapter starts by considering the evolution of support for independence prior to the referendum being called and during the referendum campaign. The socio-demographic composition of both regions which form the electoral “playing field” or battleground where secessionist and unionist make their case to voters is broken down. The campaign design and strategies on either side of the debate are then reviewed for the three independence referendums, considering which side was in an advantageous position to mobilise voters and was most successful in shaping the referendum outcome. Using Discourse Analysis and Framing theory core arguments and schemata of interpretations of the context by the pro-independentists and opponents are uncovered. This analysis shows how core societal, political and economic variables identified in the secessionist literature to affect support for secession come to be salient and interact in narratives for mobilisation. This chapter concludes by reviewing the referendum results, major controversies in the process, and the host-state and international reactions to the results.

The long-term secessionist prospects of Quebec and the Montenegrin-Serbian relations post-referendum, as well as the use of (agreed) independence referendum since then, are also briefly reviewed to assess the possible long-lasting effects of the plebiscites.

VII.1. Battleground

VII.1.a. Evolution of support

In both Quebec and Montenegro, legislation set the length of time between the referendum being announced and the vote being held. In Quebec, the referendum period specifically refers to the period from the writ instituting the referendum until polling day (*Referendum Act* 1978 Act C.1 2). In 1980, the official campaign period lasted 35 days. In 1995, it was shorter: from 2nd of October until the eve of the referendum on the 28th of October, but the anticipation was longer given that the referendum was postponed due to unfavourable polls. In Montenegro, the referendum was announced on the 2nd of March and the campaign lasted a month. All campaigning activity had to stop 48 hours prior to the voting on the 21st of May 2006. The relatively short official campaigns need to be contextualised in the lengthy debate questioning independence and the broader nation-building agenda of the Montenegrin government. Accordingly, while the official campaign started in spring 2006, the unofficial campaign really started in 2001 when the referendum was first called for. The parties clearly campaigned around the question of statehood in subsequent elections until 2006 (Hubeiras 2005, 70).

Figures VII.1, VII.2 and VII.3 show the evolution of support during the referendum period.¹⁵³ For reasons of comparability with Montenegro, I consider only opinion polls in Quebec that used questions whose wording included ‘separation’ or ‘independence’, and add opinion polls using the referendum question-wording once made public. This enables us to see not only how support for independence differed between Quebec and Montenegro, but also how within Quebec the referendum question played a part in mobilising voters in favour of independence. Before analysing the campaign strategies of both sides of the debate and how the context in the two cases studies were framed to

¹⁵³ It is not my intent, nor is it possible within the time-constraint and data availability for Montenegro, to carefully scrutinise the polls leading up to the referendums or how they evolved during the official campaign. A considerable amount of work has been done in this regard in Quebec by more qualified scholars with individual-level data and show how the official campaign period made a difference to the referendum results (E.g. Cloutier, Guay, and Latouche (1992); LeDuc (1977); Yale and Durand (2011)).

maximise support, we can already conclude from this review that the campaign had a different effect in Montenegro and Quebec. Overall, as expected from hypotheses *HSup.1*, Montenegro saw much less electoral volatility during the referendum process than in Quebec's referendums, as voters were already more familiar with the question of independence, and more polarised.

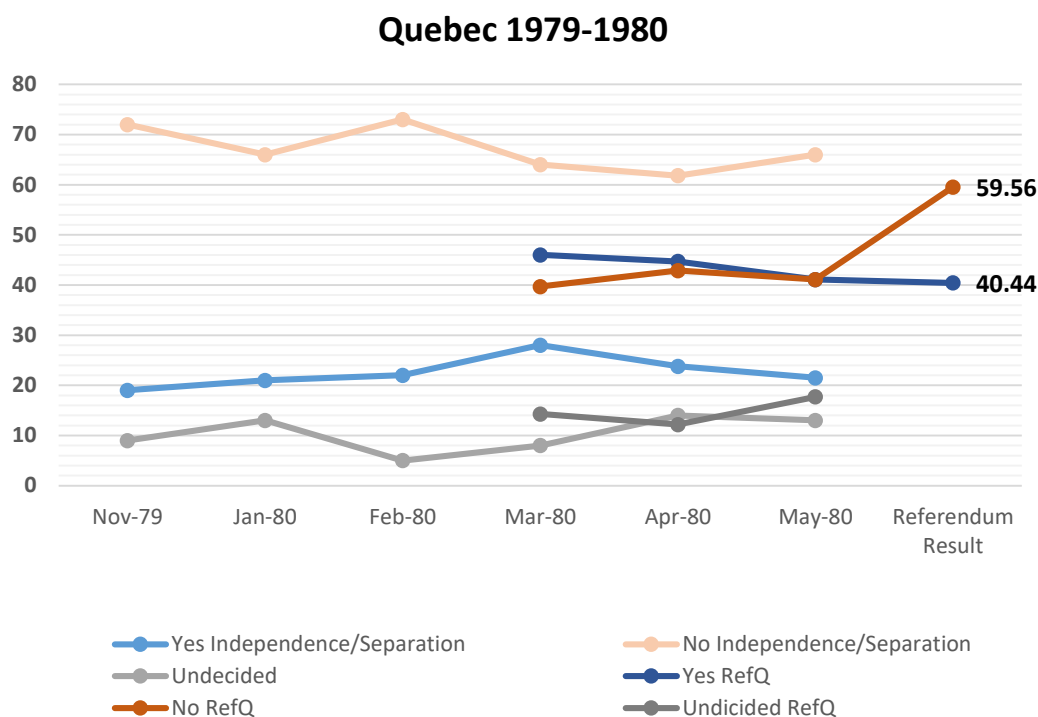
In the year prior to the holding of the referendum in 1980, the PQ could count on just 25 percent to 30 percent of the electorate to vote for independence if it could convince half of the undecided electorate (Figure VII.1). The numbers supporting independence were higher when using the question's wording which included a 'mandate to negotiate' and 'sovereignty association', even nearing the 50 percent in March among respondents who had made their choice.¹⁵⁴ The Yes campaign momentum was short-lived however, with the No side changing its strategy for a more positive tone of federal reform and accommodation in the week prior to voting day (see below).

The start of the official campaign in April led to an increase in undecided voters who, ultimately, sided with the No side. The referendum result of the 20th of May 1980 shows that the independentists managed to convince about 10 percent of undecided voters to cast a Yes ballot and that 'sovereignty' was the way forward. The overall upward trend in mobilising Quebecers indicates that the official referendum period (formally setting in motion the referendum process and official campaign period) offered an advantageous platform for the Yes side. Yet, the No campaign constrained its rise and won the referendum. While insufficient, the Yes gains put the sovereigntists in a better position to start the second independence referendums in 1995 (Figure VII.2). The young generation which was more supportive of independence than their older peers in 1980 was carried through in 1995.

In 1994, as mentioned in the previous chapter, the Parti Québécois came back to power in September having promised a second independence referendum, but once again it was not in a position to win it. Although it started with a more solid support base than 15 years prior, just below 40 percent of the Quebec electorate was inclined to cast a Yes ballot on 'separation'. The Party failed to make gains in its first year in office. The overall trend shows a more polarised electorate which was less sensitive to the referendum question wording, but also on average with more undecided voters.

¹⁵⁴ The difficulty of measuring what remained a blurry proposal for many Quebecers was a challenge for PQ politician Claude Morin who was in charge of the referendum strategy to optimise the timing of the plebiscite. (Cloutier, Guay, and Latouche 1992, 51).

Figure VII.1: Support for secession in Quebec's first independence referendum process



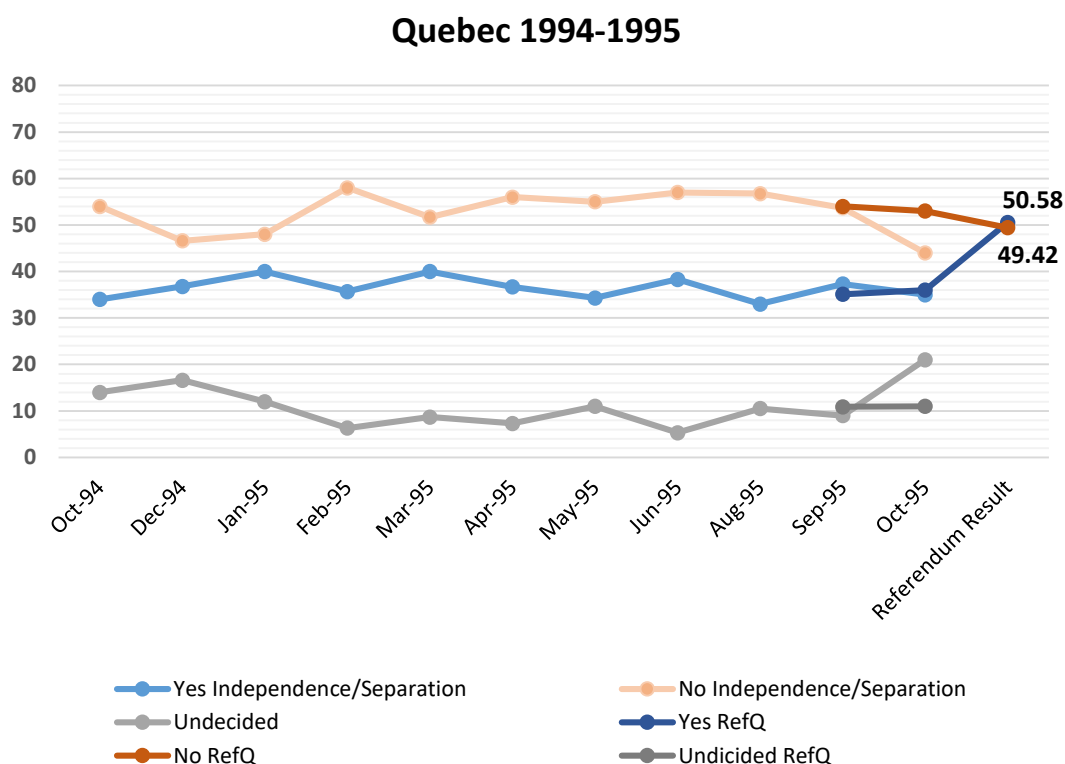
Source: Polling data in Yale and Durand (2011) – averages of polls using the same question during the month shown.

The independence referendum's debate in 1980 was comparatively new, with some of its key aspects and framing still being tested-out; by 1995, however, the Quebec electorate was much more familiar with the issue at stake, although ambiguities remained (see below). The campaign officially started on the 2nd of October, and although unofficial campaigning on both sides had started much earlier, it proved a critical period in increasing the number of undecided electors, and the sovereigntists rallied more of them on the 30th of October. As we will see below, a change in the Yes campaign strategy and especially an unofficial shift of leadership enabled the Yes side to further mobilise the Francophone electorate.

Although we do not have as much data on Montenegro, it is clear that the overall trend of support is very different from Quebec. At the beginning of 2003, when the Constitutional Charter of Serbia and Montenegro officially came into force, the independentist campaign could hope to achieve a simple majority if half the undecided voters were mobilised. This position was slowly consolidated during the three-year probation period on the independence referendum, thanks to every election in the republic being run on a pro/against coalitions format and the DPS government and independentist coalition

partners continuing their nation-building programme (cf. chapter V). Undecided voters, on average more numerous than in Quebec, remained the key to secure independence.

Figure VII.2: Support for secession in Quebec’s second independence referendum process



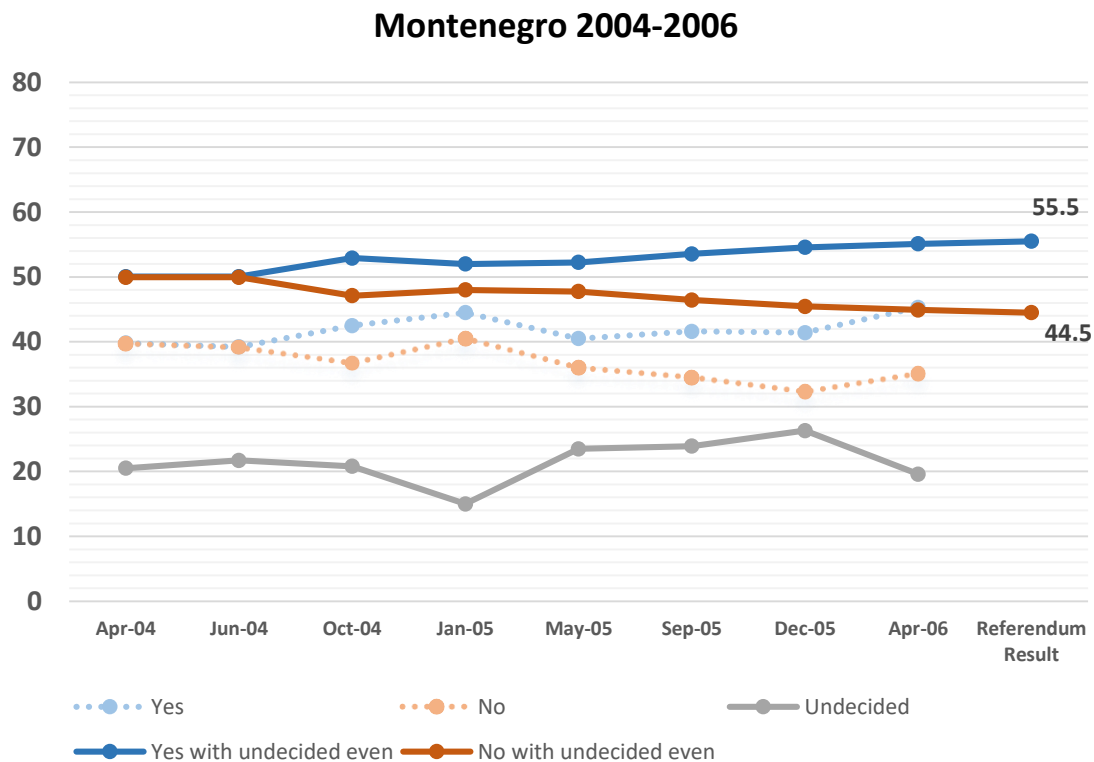
Source: Polling data in Yale and Durand (2011) – averages of polls using the same question during the month shown.

Despite the question of independence being much clearer and familiar to Montenegrin voters than in Quebec, the number of undecided voters increased as the referendum process was being negotiated and officialised between 2005 and 2006. Despite the more polarised context, there was still room for a deliberative process to make a difference (see also Table VII.1 below). Nonetheless, the No side lost more from the increasing numbers of undecided voters than the independence option. At the height of the campaign in the month prior to the vote, the number of undecided voters decreased. The Yes side’s lead remained throughout with no dramatic shift in the electorate during the referendum campaign period.

Having presented the full picture of how ‘the people’ stood before, during, and after the campaign, I turn my attention to what lies behind this aggregate support for independence or the status-quo. To understand the disparities in the referendum campaign effects we

need to keep in mind the profile of the original electorate and the context within which they were held. The electorate in the three referendums came with specific, sometimes heterogeneous, concerns and demands to be answered by the Yes and No campaigns, some of which were already the product of the independentist campaign prior to the referendum process.

Figure VII.3: Support for secession in Montenegro's independence referendum process



Source: CEDEM. Sample-size from 994 to 1481 respondents. Question-wording either “independence” or exact referendum question.

VII.1.b. What lies behind support

A particular challenge for both Montenegrin and Quebec secessionists was the risk-aversion of the electorate (e.g. Hobolt 2009, 637; Liñeira, Henderson, and Delaney 2017), with women having been found to be more risk-adverse (Schubert 2006; Verge, Guinjoan, and Rodon 2015). This problem was likely more acute in Quebec than in Montenegro, where its de facto independent status left little room to the imagination of what independence would entail. There was less to lose for an individual in Montenegro than in Quebec in voting Yes as the latter was deeply integrated within the federation, not least its economy. Based on this, we would expect that the Yes side in Montenegro was in a

better position to make electoral gains than the sovereigntists in Quebec in 1980 and 1995. Yet, the context in Montenegro, given the centrality of the question of independence since 2001, was more polarised from the start and thus less inclined to change. The polls put the victory of the Yes at 55 percent but still within a margin of error; independence was therefore not secured and every vote would count.

In the three referendums studied, party-identification, national-identification and socio-demographic characteristics such as class or gender are important factors in accounting for support for independence (cf. for example Guntermann 2012; Richez and Bodet 2012; Curtice 2013; McLean and Thomson 2014; Muñoz and Tormos 2015). While already a partial product of the mobilisation of independentist actors and counter-mobilisation by those defending the status-quo, they form a complex set of political cleavages to draw further support from. Additionally, existing attitudes and concerns – implicit and explicit – predispose an individual to favour one option over the other, and can even help predict the voting behaviour of individuals who do not initially express a preference (undecided) (Fenwick et al. 1982; Arcuri et al. 2008; Friese et al. 2012). Given such predispositions, each side of the referendum campaign had a sub-electorate that could ‘make or break’ independence.

The independentists’ electoral-base, assuming the unlikely prospect that all of their voters would endorse independence, was insufficient in both cases to secure a Yes victory. The electoral mandate of the PQ stood at around 41 percent in 1976 and 44.7 in 1994. In Montenegro, while the pro-independentists parties gathered around 55 percent of the votes in 2002, the composition of this support base remained problematic. The Yes side in Montenegro could largely rely on ethnic-minorities within the republic to back independence (Sistek and Dimitrova 2003). The Bosniak majority municipalities of Plav and Rožaje showed the strongest level of support for secession (91 percent) followed by the Albanian municipality of Ulcinj (87 per cent);¹⁵⁵ considerably higher than in municipalities traditionally inhabited by Montenegrin identifiers such as Cetinje (Morrison 2009, 210, 218). Yet, even with the almost 30 percent of minorities on the Yes side, victory was not guaranteed.

An overwhelming majority of people who identified as Serbs opposed Montenegrin independence (84.8 percent). “Montenegrins” were more divided with 60 percent ready to endorse independence. Among the relatively young Montenegrin/Serbian identity

¹⁵⁵ The one exception was, paradoxically, Bosniak Muslims in the north of Montenegro. The removal of power of Milošević made Serbia less of a threat and they valued the conservation of the Sandzack region where they formed a majority spanning over the Montenegrin and Serbian border (Filipovic 2001).

divide, 20 percent remained undecided on independence (Table VII.1). Montenegro's electoral battleground was therefore among Montenegrin and Serb identifiers and how strongly they held either of the two labels and their implication for statehood.

Table VII.1: Support for independence among Montenegrins and Serbs identifiers in 2005¹⁵⁶

	<i>Serb-identifiers %</i>			<i>Montenegrin-identifiers %</i>		
	Independence	Union	Undecided	Independence	Union	Undecided
<i>January</i>	2.6	84.8	12.6	62.5	21.5	16
<i>May</i>	2	78.2	19.8	57.7	15.8	26.5
<i>September</i>	3	73.4	23.6	59.4	15.8	24.8
<i>December</i>	4.6	69.9	25.5	59.5	14.5	26

Source: CEDEM (2007)

In Quebec, neither dedicated secessionists and federalists could rally a robust majority of public opinion. The No side could rely on Quebec's Anglophones and 'Allophone' immigrants' support for Canada. The northern part of Quebec and areas bordering Ontario and the United States, along with the more cosmopolitan city of Montreal, were likely to reject independence. Lastly, as discussed in the previous chapter, Aboriginal peoples within Quebec were also hostile to independence. Although they are an important symbolic group, their electoral weight was minimal. This was insufficient however to secure the union and both sides had to appeal to the middle group or "soft" nationalists (Richez and Bodet 2012, 78). Laponce believes that, among the 80 percent Francophones, a more realistic 'group' target was 'the roughly 65 per cent who identify either as Quebecois or French Canadian' (1999, 112–13).

Both case studies show the limits of national/ethnic-mobilisation. Political (electoral) mobilisation becomes a more useful analytical tool to understand the strategies of either side of the campaign to mobilise voters. Returning to the work of Brubaker, identity can serve as a practical category through which politics and events are perceived (2002, 167). Yet, it is not a stable, all-encompassing property that can guarantee that someone will oppose or support independence. Secessionist actors use identity to frame their goal of

¹⁵⁶ Originally compiled by Dzankic (2009), extended to December.

statehood. But in both cases, it is not enough to convince people of Independence's worth. Material or rational calculations found in more traditional electoral mobilisation are also at work (Hale 2008, 33). People support a proposal based on whether they think they will benefit according to what they value most; which may or may not be closely linked to identity. Identification with the Quebec or Montenegrin national project can cognitively *frame* the perception of typical concerns over the economy, social services, employment or foreign policy.

The arguments for and against independence become crucial to gain sufficient electoral grounds to win the referendum within the limited electorate likely to be open and responsive to the messages of either side of the campaign. Numerous studies have highlighted the typical profile of a Yes-voter in 1980 and 1995: Francophone, young, male with higher education, and more middle-class than a No supporter (Blais and Nadeau 1984; Pinard 2011; Bernier, Lemieux, and Pinard 1997). In Montenegro, Montenegrin or non-Serb minorities, men, younger, educated electors were more likely to support independence (CEDEM 2004b, 8).

The major concerns of the Montenegrin and Quebec electorate were similar and represented the major themes of the three independence referendum campaigns covered below. In 2001, the core concerns of the Montenegrin population were the economy, notably unemployment, followed by the question of continued federation with Serbia (NDI 2001, 3, 17). Montenegro was still plagued by high unemployment and sinking standards of living (International Crisis Group 2002, 5–6). In 2004, when asked to identify the most important and second most important issues when deciding which party to vote for, 83 percent of respondents selected “improved living standards”. It was followed by concerns over organised crime and corruption and joining the EU in third place.¹⁵⁷ The question of the survival of the State-Union only came in fourth position, with less than 7 percent believing it was the most, or second most important issue (NDI, 2005, 2-5).

The concerns of the Quebec electorate in 1980 and 1995 were similar in terms of the economy, standards of living, or corruption (*Le Devoir*, Tuesday 23rd of May 1978). Identity was also more salient, as a political and societal concern in itself. In 1980 Francophones did not fare as well economically than their Anglophone counterparts; and low-birth rate meant that they risked becoming even more of a minority in the federation, especially as immigrants preferred to send their children to English-speaking schools

¹⁵⁷ In the CEDEM opinion survey study of 2004 unemployment and crime were also perceived as more pressing problems than the question of independence or EU membership (CEDEM 2004b, 18).

(Conley 1997, 86). Both independentists, and those who proposed staying with Serbia or Canada, needed to address such concerns and convince them that their option offered the solution.

VII.2. The Campaign

The success of the Yes side in Quebec and lack of major shift in support in Montenegro can be explained by their respective contexts, and how the understanding of this context is framed. The secessionists' ascendance to power in Montenegro and Quebec shows their partial success in questioning the workings of the existing unions with Serbia and Canada. Prior to the referendum, they had not yet convinced the vast majority of the electorate that independence was the solution. To do so, the core concerns of the inhabitants of Quebec and Montenegro needed to be taken into account and framed in a way that showed they could not be met under the current arrangement and separation offered the best option (a centrifugal dynamic). Yet, because we are dealing with two consensual referendums, the No side also had the opportunity to counter the secessionist rhetorical mobilisation strategies (a centripetal dynamic).

The mobilisation strategies employed to reach a position of power and call an independence referendum (as covered in chapter IV) cannot be fully dissociated from the referendum campaign itself. The campaign represents the quintessence of mobilisation efforts for secessionist actors. The societal, political and economic contexts provide available material upon which to construct discursive frames (Goffman 1974; Entman 1993) to highlight problems (real or perceived) (Benford and Snow 2000). By framing the existing context in a certain way, problems and solutions can be developed highlighting the cost-benefit of secession to voters according to their concerns, values and needs. I will now demonstrate how the independentists addressed the status-quo and its limitations to offer solutions through the creation of a new independent state. The unionists on the other hand typically demonstrated the value of the union and the undesirability of secession. Both actors made use of different and competing frames of the contextual setting and tried to appeal to voters' emotional and rational perspectives.

In order to make the review of the campaign strategies easier to follow, I focus first on actors and their overall framing strategy, and then more specifically how societal, political and economic topics were used. We will see that it is often difficult to isolate those themes as they are used in combination as a more general construct (e.g. democracy was largely assumed to lead to economic development in Montenegro and amalgamated in the Yes

side rhetoric). This review also offers an opportunity to overcome the narrow and simplistic quantitative review in chapter IV and consider how these variables interact in a complex, multilayered framework to shape the perceived cost and benefits of secession.

VI.2.a. Oui/Da

Yes leaders

The key secessionist figure in the Yes camp in 1980 was René Lévesque. A former PLQ politician and founder of the *Mouvement Souveraineté-Association*, he launched the PQ based on a ‘soft’ independentist stance which advocated an etapist approach (Quinn 1979; Fraser 2001). The new separatist leader of the Yes camp in 1995 – Jacques Parizeau – had more radical aspirations of independence (Conley 1997, 85). Under his leadership the independence campaign failed to make gains in the polls and the referendum originally planned for the spring was postponed as it became clear it would be lost. Only after the unofficial replacement of the leadership of the Yes by the more popular BQ leader Lucien Bouchard did the referendum go ahead and the Yes campaign start to bear fruit.

This change of strategy, known as the ‘virage’ (turn), was initiated after the referendum was pushed to the autumn and the PQ, BQ and AQC joined forces under the “Camp du Changement”. The PQ had to compromise with the BQ on its campaign strategy. Bouchard was keen to retain an association with Canada, notably a close economic cooperation, while Parizeau was ready to sever all ties. On the other hand, Dumont, the leader of the AQC party, did not have an outright independentist agenda but hoped to see Quebec’s position strengthen.

Such compromises were also needed on the Yes side in Montenegro but the charismatic Djukanović and his party clearly took the lead in organising the Yes campaign. This, unlike in Quebec in 1995, allowed for a clear campaign message and reduced ambiguity and cues for the electorate (de Vreese 2007b, 10). Despite the much more heterogeneous committee composed of 10 parties and different ethnic groups representatives, the main challenges among the Montenegrin Yes camp were largely limited to the LCGS and the DPS leaders. Slavok Perovic was a fervent critic of Djukanović and his party for being undemocratic and corrupt and refused on occasion to stand with the official Yes coalition. As a result, the Yes camp emphasised the need to vote for independence as such and not because of loyalty to political figures (c.f. *Vijesti*, 24 March 2006, p6). Nonetheless, the LCGS brought legitimacy to the campaign as a long-standing independentist actor in Montenegro prior to the government’s change of trajectory (Morrison 2009, 208–9).

The core strategy in Quebec in 1980, and which was ultimately brought back in 1995, consisted of framing secession as ‘sovereignty’ and emphasising a future partnership or association with Canada. In Montenegro, the framing of independence was focused on presenting the future state as ‘European and democratic’. These frames touched upon identity, societal and economic issues in order to show the existing situation from a particular angle where the existing union was failing and independence was needed. By highlighting how Quebec and Montenegro and their respective population were distinct from their federations, the benefits associated with secession and the cost or risk of staying within the host-state were made visible.

The first rhetorical strategy consisted of consolidating the proposed national collective body through a ‘us vs. them’ approach and arguing that the host-state was detrimental to its needs and aspirations. In Quebec, identity was itself something to be secured through independence, while in Montenegro the way the nation was portrayed was part of a more general democratic and European frame focused on political and economic issues. The Péquistes issued a White Paper in November 1979, *New Deal*, detailing the ways the English majority allegedly mistreated Quebecers and political and economic grievances within the existing constitutional setting of the federation. This formed the basis of the Yes campaign in 1980 (Council 1979).

The threat to Francophones was also framed positively by emphasising the need for the Quebec nation to show pride and take control of its destiny (e.g. Lévesque 1980b, 1980c). The lack of protection of the French language and its status in the political and economic Canadian sphere justified the need for independent statehood. Some of these concerns were alleviated by a succession of language policies in the 1970s to ensure the preservation of the French language, such as making French the only official language of the province in 1974 (Bill 22), and later the Charter of the French Language (Bill 101) asserting further the place of French in Quebec public institutions. The latter, however, was challenged in court over some clauses, notably the obligation of immigrant children to study French or the exclusivity of French in commercial signs which was found to breach freedom of expression (Coleman 1981; MacMillan 1998).

These actions further alienated Anglophones and Allophone immigrant communities in Quebec, which risked becoming an isolated minority within a Francophone independent state (Taylor 1994, 67). While the PQ rhetoric wished to be an inclusive project, the framing of the collective Quebec ‘we’ as “our future as French-speaking people” (O’Connor 1998, 786) was ultimately excluding non-Francophones. Furthermore, some

of the declarations made by Yes politicians in the two referendums campaigns had ‘ethnic’ and chauvinistic nationalist undertones. The question of the declining birth rate of Francophones mentioned in both campaigns created controversies over what type of nation-state an independent Quebec would be. For instance, Yes campaigners had made remarks on the responsibility of women of Quebec to procreate in 1980, and in 1995 Bouchard attracted concern by using the term “white race” (Venne 1996, 53–54).

Another declaration which backfired on the Yes side raised the issue of women in the independence debate. Women, as in Montenegro, were less likely than men to support independence. This reality led to a derogatory comment by TV presenter Lise Payette, who said that women who would vote ‘No’ were “Yvettes”, referring to an image of a docile, conservative, schoolgirl. No supporters in Quebec City and Montreal went to the streets proudly branding themselves a bunch of Yvettes to campaign in favour of the federation (Jean and Lavigne 1981).

In contrast, the Montenegrin Yes campaign adopted a form of civic-nationalism in an effort to clearly frame the Montenegrin identity as one of inclusion that contrasted with Serbian ethnic nationalist rhetoric. It sought to appeal to Albanian, Croatian and Roma communities by using their own historical figures, language and scripts in their campaign material and labelling an independent Montenegro as multi-ethnic.¹⁵⁸ While extensively criticising the Serbian government and politicians as a threat to Montenegro’s prosperity, the Yes campaign was careful not to attack Serbia and Serbians themselves. For instance, Marović a DPS politician and head of the State Union framed Montenegro and Serbian relations as one of family: “Brothers do not end being brothers when they both have their own homes” (*Dan*, 25 April 2006). Yet the No side, and Bulatović, in particular, was often mentioned and associated with the authoritarian Serbian government and used as a counter example of what Montenegro stood for, e.g. ‘non-secular and retrograde’ (*Vijesti* 15 May 2006; see also Pavicevic and Durovic 2016, 149).

The rationale behind this framing strategy was twofold. Firstly, the heterogeneity of the Montenegrin population meant that the support of non-Montenegrin or Serbian identifiers was crucial for the Yes side, while the border between a Montenegrin and Serbian identity was still debated and unclear, requiring the accommodation of an electorate emotionally attached to their neighbouring republic and identity. Secondly, an Ethnic-Montenegrin conceptualisation of the nation would have contradicted the overarching democratic and

¹⁵⁸ As a way to demonstrate this commitment to protect the different identities within Montenegro and as a way to appeal to already supportive minorities, the Montenegrin assembly passed a law on minority rights a few weeks prior to the referendum (Djuranović 2006b).

European frame adopted by the Yes campaign, and unacceptable to the EU which was to take the lead in recognising Montenegro's independence.

This framing of the future nation-state also served to conceptualise the shortcomings of the existing unions and how independence would answer them in Quebec. Independence was needed to protect the Francophone heritage of Quebec against a threatening – centralising – federation, e.g. “By voting No, Jean Chrétien is handed a blank cheque to *crush* Quebec. He will continue to *crush* us by centralising ...” (quoted in O'Connor 1998, 784; emphasis added). While the focus was more on the Francophone language in 1980, in 1995 the status of Quebecers within the nation had taken centre stage. The Yes side argued that the ROC would ‘deny’ and ‘deprive’ the people of Quebec of the means to self-government as to ensure their own development (ibid, p.8). Conversely, independence was the only way to ensure Quebec's future as a Francophone nation, its emancipation and fulfilment of its distinctive social aspirations.

Political and economic aspirations

In both cases, the existing union was said to have failed Quebecers and Montenegrins political and economic expectations. In Quebec, those were framed in line with the recent Quiet Revolution in 1980 and the relative deprivation experienced by Francophones (as mentioned in chapter IV). Furthermore, accusations were made against Ottawa for having ‘abandoned’ women, the elderly and unemployed and, less frequently, the need to achieve greater social justice (Sklar 1999, 111). These problems, and the inability of the federal system to reform sufficiently were advanced enough to convince the electorate that sovereignty was worth the risk. The Yes campaign played on the negativity of the No forces reviewed below and re-appropriated for themselves the ‘No’ slogan to rephrase it into what a no vote would entail: ‘No to a strong Quebec’, ‘no to better job opportunities’ (Monière, 1998:204-205). In 1995, posters read ‘Yes- and everything becomes possible’.

In Montenegro, Belgrade was framed as an impediment – using terms such as ‘risk’ or ‘economic disaster’ to Montenegro's prosperity, and as an ‘authoritarian’, if not an outright threat to self-government as when it was governed by Milosevic (Bosković 2006). DPS politicians often referred to the loss of independence in 1918 - perceived then as a golden age to be retrieved - and the “injustices” under Serbia it had suffered since (Morrison 2009, 206). The take home message was unmistakably that independence was the best framework for prosperity (*Projeba* 16 May 2016; Pavicevic and Durovic 2016, 148).

The overarching democratic and European frame encompassed economic and societal themes closely linked to improvements in standards of living for the population. The Yes side argued that Montenegro's economy could be reformed faster by breaking with Serbia (Whyte 2001, 47 Opinion Expressed by Veselin Vukovic and Nebojša Medojević; Huszka 2003, 56–60). A lexicon of difference and incompatibility was used to emphasise that attempts to make the existing economic cooperation work would be doomed as Montenegro's economy was too different from Serbia's. The Yes side also emphasised the risk of Montenegro losing its monetary sovereignty and central bank to Belgrade who had expressed its wish to create a common customs regime. Another economic argument against the union was the cost of the federation itself with, it was argued, little benefits in return. To back it up, Montenegro's ability to function as a de facto independent state for several years was put forward. The independentist coalition also pointed out that inflation, GDP per capita, debts, and unemployment numbers were better in Montenegro than in Serbia (Huszka 2013, 138).

This framing of an economic union as a threat contrasted markedly with the Quebec independentists making such an association a core element of their campaign strategies. Areas where Quebec, and especially Francophones, did worse than the rest of Canada served to show that the province was being held back by the federal government (*La Presse*, 1st April 1980). Yet, the independentists did not wish to cut economic ties, but mostly political ones, allowing Quebec an equal role. This approach can be explained by the sovereigntist politicians' own ideology of what independence was to look like, and as a deliberate attempt to alleviate Quebecers' apprehensions. While NAFTA was mentioned as an economic association that would favour an independent Quebec's economy, it did not take centre stage in the referendum debate as the EU did in Montenegro. The PQ's focus was on a renewed economic association with the ROC.

Independence and new partnerships

Quebec independentists made the deliberate choice to use the word 'sovereignty' to define their secessionist goal, and to ask for a mandate to negotiate it in 1980. Opinion polls backed this lexical choice: Quebecers were more likely to support 'sovereignty' over 'independence' (Pinard, 1994). It was argued that economic ties would not be severed, the Canadian dollar would be kept as currency (e.g. the one Canadian dollar coin was used for the 'o' of 'oui' in posters). The 1980 television campaign advertisements often used a scale to demonstrate how an independent Quebec would become an equal partner. They argued that an economic association would be undoubtedly in the interest of everyone (Jones, 1997:27). The debate and proposed vision of "sovereignty-association" was

however not fully understood in 1980 and remained ill-defined (Boyer 1982, 78–79), although as the campaigns progressed, the implications of the referendum became better understood (Durand 2008, 33).

While the now very familiar term of ‘sovereignty’ was retained, the more outright secessionist approach of Parizeau in 1995 failed to convince the Quebec electorate. Only with the arrival of Bouchard, the official negotiator for a renewed association on the 7th of October 1995, and a framing strategy closer to that of 1980 which emphasised a new partnership with Canada, did the Yes side start to make electoral gains in polls. This also enabled the economic argument for independence to become more convincing (Nadeau, Martin, and Blais 1999; Blais, Martin, and Nadeau 1995).

The 1995 frame concentrated more on the federation and its constitutional shortcomings but also the ‘project de société’ for Quebec to meet the challenges of the twenty-first century (Mau 2005, 112–13). In 1980, the parameters of independence and the articulated failings of the federation to accommodate Quebec were present, but less clearly defined and new to the public. The failures to deliver the promises made by the No side in the 1980 referendum campaign in the successive attempts to renew the constitution were brought as evidence in 1995 that Quebec needed to take on a new trajectory.¹⁵⁹ The declaration on the No side that the ROC was not interested in negotiating with a sovereign Quebec was also used to show the need to strengthen Quebec’s position (e.g. Cardinal 2005, 53:32 min.; Conley 1997, 85).

In Montenegro, although the Yes political parties were keen to sever all ties with Belgrade, they produced an official declaration on cooperation with Serbia to show its dedication to retaining a close relationship with Belgrade (*Declaration on Relations with the Republic of Serbia after Gaining Independence* 2006). This document aimed to make an emotional appeal to the undecided elements of the electorate who were more likely to be ambivalent towards Serbia. The use of this rhetoric was limited however compared to the economic dimension of independence. Indeed, Djukanović called on independence to be viewed “rationally” (*BBC Monitoring/ Mina News* 2006).

Nonetheless, the Yes campaign focused on a different union to make their case for independence: The European Union. The term ‘Europe’ was in itself symbolic and provided a lexicon of what Serbia was not: peaceful, prosperous, civic and democratic.¹⁶⁰

¹⁵⁹There is no strong evidence however that these constitutional failure directly benefited the secessionists by increasing support for secession between 1980 and prior to the referendum campaign of 1995 (c.f. Yale and Durand 2011, 252–53).

¹⁶⁰ Review of original campaign material.

Joining the European Union was a key item on the agenda in Montenegro, and to a lesser extent in Serbia at the time, and closely linked to an opportunity for economic development. It had become more preeminent after the fall of Milosevic since its previous argument for independence to be protected against an “undemocratic” Belgrade was now less relevant, although the democratisation of Montenegro and moving away from the ‘corrupt’ Serbian elites was still mentioned throughout the Yes campaign (Huszka 2013, 130).

The Yes side emphasised that EU accession would be faster if Montenegro broke away from the Union with Serbia. It blamed its neighbour for slowing down its chances to join the regional organisation due to its reluctance to cooperate fully with The Hague Tribunal (*BBC Monitoring* 2006a). This argument was considerably strengthened when the EU suspended negotiations with the state Union during the official referendum campaign (International Crisis Group 2006, 6). Finally, because of the negative image of Serbia in Europe, leaving the Union would free Montenegro from this negative association and encourage international investments and tourism in a ‘multicultural’ and ‘tolerant’ place (Huszka 2013, 139).

VI.2.b. Non/Ne

Regional and Host-state figureheads

The Quebec No campaigns in 1980 and 1995 lacked the Yes’ charismatic figures at the provincial and federal level, with the exception of Trudeau (Segal 1997, 462; Pammett and LeDuc 2001, 273). Trudeau replaced PM Joe Clark 11 weeks prior to voting day. As a Quebecer, he was in a more legitimate position to get involved in the campaign, but his vision of the Canadian nation and his stance against negotiating a new deal with Quebec, unlike Clark, was deterring some Quebecers (Boyer 1992, 145). Although a major figurehead, his Minister of Justice, Jean Chrétien followed the No camp’s official leader Ryan in touring through Quebec (Laforest, 1995:29). Chrétien would be in the same position as Trudeau in 1995 as federal PM, but the latter was less charismatic and lagged behind Bouchard in popularity. In both referendums, the No camp struggled with internal divisions over the strategy employed (e.g. *Le Devoir* 28 February, 13 April 1980, Ryan 2000, 20).

While the Canadian government got involved in the campaign to support the No camp, the rest of Canada was deliberately kept out of it as much as possible (Hebert and Lapierre 2014, 106). Firstly, because declarations from the ROC could be perceived as interference in the internal affairs of Quebec. Although the No side did not officially recognise Quebec

as a nation, it was treated as a distinct entity and population to mitigate its electorate's self-perception. Secondly, interventions were not expected to help the No side's case, given that the other provinces were reluctant to accommodate Quebec, especially in 1995 (Manning 1992; Young 2000).

The block in favour of the State Union struggled with internal divisions and rivalries as well. Although the two campaigning camps were already formed in 2005 (and had experience of working together when forming electoral coalitions since 2001), it was not clear at the time whether and when the pro-union actors would recognise and participate in the independence referendum, legitimising the process. The "movement for the Joint European State union of Serbia and Montenegro" representing the NS, DSS and SNS was originally set up with Belgrade and was largely directed from Belgrade by Montenegrins living in Serbia. They were a heterogeneous and rather disorganised bloc with varying commitment to the Serb cause.

The campaigning bloc was formalised by Zoran Zizic, vice president of the SNP, by uniting the smaller pro-unionist parties and other organisations without the consent of the party leader and the support of the party congress as they were still debating whether to engage with the process (International Crisis Group 2005). Ultimately, Bulatović asserted that its opposition block would "not boycott [the referendum] if the EU indicates that it approves of a referendum" (quoted in ICG 2005:5). As with the federal involvement in Quebec, Belgrade's intervention was a double-edged sword for the No side. It was difficult to find the right balance between respecting Montenegro as an equal partner, while pointing out that Montenegro would lose out from ending the union with Serbia (Morrison 2009, 212).

Counter-frames

While the Yes campaigns highlighted the benefits of secession and the drawbacks associated with the existing host-state, the No sides asserted the benefit of their union and denounced the illusions behind the Yes discourses, emphasising instead the 'risks' and 'losses' of independence. The No sides in both cases were in the disadvantageous position of being primarily reactive to the – already partially successful – Yes rhetorical framing strategy. This meant they had less room than their opponents in framing the debate to their advantage (Druckman 2004, 675; see also Lemieux 1978 on the early strategies adopted by the PQ government and Ottawa). On the other hand, they had the advantage of having the known and safer position of defending the status quo, and were much better placed to deliver the promises made during the campaign.

The major component of the No campaign in Quebec, especially in 1980, was to counter the Péquistes ‘sovereignty-association’ narrative. The use of specific words, notably using the terms ‘separation’ and ‘secession’ was an attempt to challenge the Yes side’s contextualisation of the issues as a step toward a new association. It re-interpreted their framing to redirect the campaign debate towards independence and the negative consequences of separation. This reframing was possible because the question of independence remained relatively new in 1980. Furthermore, the federalists were confident they would win and therefore did not need to address the legality of secession and the modalities of independence.

The Yes side “association” was also dismissed in both referendums. During a televised debate on the 15th of April 1995, the ‘take-home message’ was that a Yes victory would lead Quebec into a political and judicial impasse as the rest of the provinces had rejected the idea of economic association (Marsolais, 1995). A Yes vote would leave Quebec out of the union and considerably worse-off. Saskatchewan Premier Blakene also expressed his doubts that a smooth transition to sovereignty was possible, as Quebec would have to ‘be treated by the rest of Canada as a separate country (...) just like Australia, France, the United States or Mexico’ (*Globe and Mail*, 9 April 1980:8). This choice of comparison and words clearly set the referendum as a state-creation tool by the No side.

In Montenegro, the No side – *together for change* – countered the independentist European and democratic overarching frame and focused on economic arguments with a slogan stating that ‘Montenegro is not for sale!’. It also called on the emotional attachment to Serbia with ‘Heart says No!’ banners. But in doing so, the No campaign largely failed to consider minorities by focusing on orthodox Serb and Montenegrin communities, with the only exception the “Bosniak block” alliance which had little success in attracting Muslims votes (Morrison 2009, 210).¹⁶¹ It had therefore much less room and resources to attract potential supporters than the Yes side. Support and manpower were concentrated in the north of the republic as opposed to the pro-independence camp who had a broader electorate and area to campaign within. Even if the pro-union side wished to appear more minority-friendly, its strong association with Serbia, and Bulatović with Milosevic, affected the No camp and the federation’s image negatively (Kola 2003).

This was not helped by some members of the No camp’s campaigning strategy. The SNP insisted on avoiding traditional Serbian symbols – such as the Serbian flags or other nationalist symbols. More radical members still used them along with xenophobic

¹⁶¹ My own review of the campaign material and its publication in the two main newspapers *Dan* and *Vijesti* highlighted the predominant use of Cyrillic, while the Yes side tended to use both scripts and also messages in Albanian.

comments about Croat, Albanian and Bosnian citizens during the referendum campaign (Morrison 2009, 212, Huszka 2013, 137). In particular, the No side raised the risk of these minorities seeking secession from an independent Montenegro. The pro-union media notably *Dan* and the Belgrade-based daily *Politika* continuously reported rumours on minorities' illegal activities and their own separatist plans (International Crisis Group 2006, 5). The xenophobic narratives likely only appealed to pro-Serb extremists who would already vote No to independence, making it a counterproductive strategy.

The pro-union camp believed that Montenegrin and Serbs were the same ethnicity and people, and made the sentimental and identity union the core of its campaign strategy, emphasising historical and cultural links (Huszka 2013, 105; Morrison 2009, 201). In contrast, the federalists in Quebec emphasised a vision of Canada as a place of tolerance and multiculturalism. Nonetheless, the No campaign was careful to assert Quebec's distinct status such as when using a play on words with 'name' and 'no' sounding the same in French in their slogan 'My No is Quebecer'.

In the 1970s, Trudeau had adopted a discourse framing Canada, and Quebec, as a multicultural society to challenge the Quebec Liberals and the Parti Québécois quest to have Quebec recognised as a distinct and co-founding nation of Canada (Blattberg 2003, 68–69; Laforest 1995). This attempt to shape the understanding of the Quebec identity within Canada was largely dropped during the 1980 and 1995 campaigns. Canadian unity was portrayed positively to the public, emphasizing the terms of equality, democracy, diversity and strength. The phrase 'two people' often recurred in the texts (Sklar, 1999:16). Nonetheless, concerns over the No side's attempts to 'assimilate' rather than 'accommodate' Quebec were brought up against it, especially when it remained vague about what it proposed to do to answer these grievances in its campaign materials and discourses (e.g. Rose 1993, 8–9; Laforest 1995, 15).

The unwillingness to engage with the question of the status of Quebec could be explained by a fear of further polarising the Quebec electorate for some federalists, while for others, this was not a question worth addressing in the first place. Focusing on the risks of 'separation' knowing that most Quebecers were opposed to such a radical move also ensured that the federalists did not have to question the right to decide of an electorate who had just found a new political identity and sense of nationhood. When a speaker at a No rally declared that winning the referendum was not enough, and the sovereigntists will also be 'crushed', the No leaders quickly distanced themselves from such language and Johnson, leader of the Quebec Liberal party, called for moderation and respect (Young, 2000:312). The sovereigntists' true nature was also identified on occasions as being overly

nationalist. For instance, Ryan declared that he ‘profoundly reject(s) the appeals to discrimination which have been issued by the other side’, hitting at chauvinistic tendencies in the PQ (Gibb-Clark, 1980).

Cost and deception

The three No campaigns have in common their framing of independence as a risky and costly endeavour and questioning of their opponent’s integrity, making for a much more negative campaign than the Yes sides. In 1980, the No camp presented an independent Quebec as ‘foreign’ and weakened. Trudeau warned that an independent Quebec state would resemble Cuba or Haiti (Laforest, 1995:30-31). The No camp questioned the validity of the sovereigntist project, notably in terms of the economic and social downturns it claimed independence would entail. The stock market’s negative reaction to the rising possibility of a Yes victory was used as evidence for the negative consequence of independence; while Parizeau used it as an indication that both sides needed to negotiate an economic arrangement as soon as possible (*La Press*, 14 September 1995, p1).

The Serbian PM Kostunica declared that “the creation of new borders would not cause good things to happen” (*Dan*, 17 May 2006). The SNP argued that ‘a modern, functional and organized diplomacy’, ‘funding membership in international institutions’, and sustaining a separate army would mean huge expenses, which ‘the government is purposefully avoiding mentioning’ (quoted in Huszka 2013, 137).¹⁶² Bulatović sought to target a “pauperised population” in an unequal society by associating the federation with its socialist past and by asking how, without Serbia, the needs of the middle-aged and older generation, in particular, could be met. It was also argued that the desired European integration and the economic and social benefits it was believed to bring was more likely to be achieved with Serbia since the EU was disinclined to see Montenegro become independent (*BBC Monitoring* 2006b).

A major aspect of the No camps’ rhetorical strategy was to attack the credibility not only of the independence plan but also of those who proposed to execute it. Djukanović and his allies were accused of attempting to create a ‘private state’ (*BBC Monitoring* 2006c). One of the slogans chanted during the pro-unionist rallies was “*Milo-lopov*” (“Milo is a thief”). SNP politician Zoran Zizic stated that “the citizens are being manipulated, impoverished, and at the verge of existence; they are pushed in a situation to deny their

¹⁶² This argument overlooked that the DPS had established an independent diplomatic service in 1998.

roots, language, church, which affirms that the only interest of the government coalition is to remain in power” (quoted in Dzankic 2009, 205). Corruption was also found to be a major angle of attack for the No side, with advertisements in newspapers showing definitions of key words such as “undemocratic”, or “corruption” as part of their campaign strategies.¹⁶³

In Quebec, during the Charlesbourg meeting campaign in 1980, leader Ryan also accused the PQ of acting illegally by financing studies to discredit federalism with public funds (Carrier, 1980:9). The No leader even used the words ‘fraud’, ‘manipulation’, ‘dissimulation’ and ‘dupery’, in one sentence to refer to the opposition (*Le Devoir*, 20 April 1980:1). In 1995, Chrétien accused the sovereigntists on numerous occasions of not showing their true separatist colours by arguing that people should be ‘asked an honest question, (...) not a trick question, no clever twist and turns’ (Chrétien quoted in Young, 1999:55). This re-framing of the issue away from the Yes conceptualisation consisted of showing that the real issue worth focusing on was over separation, not ‘partnership’, and as in Montenegro, attacking the credibility of the messenger.

Benefits and concessions

To counter this overly negative framing to convince the electorate to reject secession, the No sides appealed to the benefits of the union in emotional and rational terms. The latter was an easier task for Canadian federalists than for Serbian supporters in Montenegro. Given the de facto independence of Montenegro, arguing for the benefits of the union, notably in economic terms, proved difficult. The pro-union camp focused on tax, property ownership rights, pensions and health care (Morrison 2009, 201). Among such arguments were the possibility of Serbia introducing higher fees for Montenegrin students, patients and visas, and essentially being treated as “foreigners” (*BBC Monitoring* 2006c).

In Quebec, the Federalists in Ottawa defended the status quo on the constitutional dimension at the start of both campaigns and argued, not without grounds, that the economy and job prospects were the real concern of Canadians and Quebecers alike (Monière, 1998:202). Ryan emphasised that the important economic resources of Canada, not least oil and gas resources, ‘contributed enormously’ to the province of Quebec (*Globe and Mail*, 26 April 1980:3). The Yes side, in turn, was keen to criticise this strong emphasis on economic arguments. Chrétien refuted these claims saying that the federalist

¹⁶³ Review of original campaign material.

forces did not intend to appeal to Quebecers solely via their pocketbooks but on their patriotism and attachment to Canada as well (*Globe and Mail*, 26 April 1980:3).

The overall negative tone of the campaign focused on economic losses and risks had to be addressed in Montenegro and Quebec by the No campaigners. Furthermore, the No campaign was described as largely complacent during, even by their own members (*Le Devoir*, 14 January 1980). In 1980, as the Yes side campaign gained momentum, the Federalists, who had stated so far that the federation was sufficiently flexible as it was, started to shift their framing strategy for a more positive message focused on change.

On the 14th of May the No side committed itself to a renewed federalism as a strategy to convince as yet undecided voters a week prior to voting day (Laforest, 1995:31). Trudeau, who had until then been very reluctant to grant any clear concessions, declared that ‘we will not tolerate interpreting the victory of the No as a sign that all is well again and we can return to the status quo’ (*La Press*, 15th May 1980). A similar change of strategy took place in 1995 after the Yes vote took the lead in the polls. Johnson’s party was already supportive of offering a concrete project during the campaign to show that a ‘No’ vote also meant change, but Ottawa was reluctant (Young; 1999:30-31). In the last few days, fearing a secessionist victory, Johnson emphasised Quebec’s status as a distinct society, followed by a reluctant Parizeau a few days later: “They [Quebecers] want to see Quebec recognized in Canada as a distinct society by its language, culture and institutions. I agree. [...] Voting no means rejecting separation. It does not mean that we give up anything regarding the Canadian Constitution” (*Globe and Mail*, 26 October 1995).

In the last weeks of the Montenegrin referendum campaign observers also noted that the No side adopted a more positive rhetoric and attempted to reach a younger support base (CEMI 2007, 106). This seemed to have had an impact as its biggest rally in Niksic on the 15th of May was well attended by younger voters which until then had been largely absent (Morrison 2009, 212–13). Nonetheless, because of the state union already being extremely decentralised, the No side in Montenegro had little room to grant concession or affect the cost-benefits of the union, unlike Canada. The new Union had just been created and it was already a very loose arrangement (Fraser 2003).

In Quebec, the federation had, overall, a much more positive image, despite the economic and cultural frustrations of Francophones since the Quiet Revolution. Some declarations, however, weakened this perception. Ontario premier Mike Harris, one of the rare premiers to step into the referendum campaign, declared that if Quebec was to secede then the province was to be treated like any other foreign country and there were no requirements, historical or otherwise, to give Quebec special privileges (Young 1999:30). This

declaration was controversial and contradictory to the message of the unity and affinity shared by the two entities that was being stressed simultaneously by the No campaign. It was strategically ‘awkward’ for the No side to ‘formally dismiss the offer of political partnership’ because this could drive away voters attached to Canada (Young 1999:46).

In the three independence referendums studied, it seems the Yes side, although less so in 1995 in Quebec, were in a slightly better position to engage in the campaign compared to their unionist counterparts. Furthermore, as we will see below, the Yes side, as the initiator, had an advantage in its ability to be the first to frame the question of independence, while the No side was by default having to react to a rhetoric and mobilisation effort that had already started to show success.

The Quebec secessionists went from having 20 to 30 percent support for ‘sovereignty’ in the 1970s to losing the referendum in 1995 by less than 0.60 percent, or 54, 288 votes. During the 1980 referendum campaign, they consolidated up to 40 percent of the electorate, a generation that was carried in 1995, giving it a better head start the second time around. In the second independence referendum, the No camp originally had a 20 percent lead according to some polls and the wording of the question prior to the start of the campaign, but lost at least 10 percent of originally pro-union electors to the sovereigntists. In Montenegro, the polls and final result remained within the margin of error, making it very challenging to assess the referendum effect, especially when individual level data is missing. It shows however that there were no major gains by either side during the referendum campaign in the same way witnessed in Quebec.

Both examples, however, show the potential negative effects of a referendum campaign: increasing polarisation, mounting controversies delegitimising the referendum and threatening its ability to compel the losing side to respect the outcome, and campaign narratives that question the foundation of an existing or future state, with potentially long-lasting consequences for Montenegrin and Quebec society.

VII.3. The Referendum Result

VII.3.a. A legitimate and acceptable outcome?

Under the watch of international observers, the Montenegrin polling stations opened from 8 a.m. to 9 p.m. on the 21st of May 2006. Although the pro-independentist side had already declared victory the next day, the RRC announced the preliminary results two days after the closing of the polls with 55.5 percent for and 45.5 percent against independence. The

Secessionist option only passed by a narrow margin: a difference of 2,095 ballots. The turnout, just over 86 percent, put the Yes side below a majority of all eligible voters: 48 percent. Among those about 19,000 voters were still disputed (*BBC* 2006b). With about 30 percent of the minorities Yes vote, the 55 percent result shows that only a minority of ethnic Montenegrins and Serbs supported secession from the State Union with Serbia. The official results were made public on the 31st of May 2006 by the RRC, but the No side refused to sign the minutes as it contested the result.

To justify its refusal to acknowledge the referendum outcome, the No side mentioned fraud and irregularities. The “Zeta film” was particularly controversial as it depicted a DPS activist bribing voters in Podgorica. The Yes campaign was also accused of coercion and low-level pressure among state-employees (*Dan*, April 25, 2006) - something common during elections in Montenegro, even today (Morrison 2009, 210, 215; Huszka 2013, 139). In four percent of the polling stations visited by OSCE/ODIHR representatives, the ballot boxes were not properly sealed (OSCE/ODIHR 2002, 16–17). Both sides were guilty of a clear breach of conduct in what would be considered ‘free and fair’ elections, especially when it comes to mobilising expatriates. Montenegro Airlines decided to cancel all flights from Belgrade a week prior to the referendum, which was to be re-directed instead to bring expatriates free of charge to Montenegro (*Monitor*, 26 May 2006). *Republika* claimed that some 6000 Montenegrins from the US had made the trip back home to cast their vote (*Republika*, 22 May 2006, p2; *Vijesti* 23 May 2006). Morrison’s research shows that the pro-union block did the same once it “screened” potential voters and subsidised transport from Serbia to Montenegro (2009, 216).

These events were used by the No side to delegitimise the referendum outcome. Although many verbal complaints were made by the pro-unionist camp, no official complaints reached the constitutional court within the required deadline. The Montenegrin parliament voted to acknowledge the results of the referendum, officially declaring Montenegro an independent state on the 3rd of June 2006, but the No camp politicians refused to attend the parliamentary secession (OSCE/ODIHR 2006, 19). The pro-union block reaction shows that even in an agreed, binding referendum, the process and the outcome can still be contested. The close results and contentious process undermined the perceived legitimacy of the referendum outcome at the societal/electoral level and regional/party-system levels. The outcome was however legitimised by the international-level representatives (cf. Figure I.1, Chapter I).

Despite acknowledging irregularities on both sides, the international observers’ final assessments of the voting process remained positive overall (Cazala 2006, 172). The

recognition of the process as free and fair by internal and external observers validated the result. The EU approval of the referendum results, despite clear breaches of the electoral process, can be explained by the need to settle the question and not risk destabilising further the polarised and tense situation. I believe that, despite the very close results and the controversies, the 55 percent threshold saved the day. Although the extra 5 percent could be debated and a non-biased result might have ended within the 'grey-zone', it remains clear that over half of the Montenegrin population who expressed an opinion supported independence. This, I think, made the outcome satisfactory to the EU and the international community, although such a close call with evidence of unfair tactics and irregularities remained problematic for the opposition.

The endorsement of the referendum outcome by the OSCE/ODIHR and European observers allowed for the cascade of recognitions discussed in chapter I. The Croatian President and Iceland's PM were the first to congratulate Montenegro on its independence. Solana, EU's foreign policy chief, said that the EU member states 'are still awaiting the final results but according to preliminary official results it seems likely that more than 55 per cent of Montenegrins voted for independence yesterday. The majority requirement was therefore reached and surpassed'. He added that the high turnout 'confirms the legitimacy of the process' and stressed for both sides to recognise the outcome (Solana 2006). The United States endorsed the OSCE assessment of the referendum and urged Serbia and Montenegro to work together to implement the "will of the people of Montenegro" (United States Mission to the OSCE 2006). Soon many more states and international organisations (e.g. NATO) followed, including the five permanent members of the UN security council, noting that the referendum had complied with international standards (BBC 2006a).

In Serbia, the host-state and official successor state¹⁶⁴, elites were divided. President Boris Tadić accepted the primary result on the 23rd, while PM Koštunica declared he would wait for the final results once the irregularities raised by the No camp had been investigated (BBC 2006c). In mid-June, it stated that "conditions have been created for the government of Serbia ... to recognise the Republic of Montenegro and establish diplomatic ties" (BBC 2006d), officially acknowledging Montenegro as a peer sovereign state. The pro-union opposition in Montenegro had lost their last ally and had not much choice but to accept the outcome and try to find a new place in an independent Montenegro political scene.

¹⁶⁴ The Constitutional Charter of State Union article 60 clearly stated that Serbia would inherit the FRY 'international instruments' such as UN membership.

In Quebec, the Yes side conceded defeat on the night of the referendums, even with the close result of 1995. The sovereigntists' defeat in 1980 was clear, when only 40.44 percent of the electorate endorsed 'sovereignty-association' and a mandate to negotiate independence. While Lévesque's concession speech denounced the Canadian involvement in the campaign as "scandalously immoral", he called on the Yes supporters to respect the No outcome nonetheless and remember that the people of Quebec, clearly divided, still had to live together (Brousseau 2002). On the No side, Ryan's discourse, overly 'victorious', made some Quebecers uncomfortable, while Trudeau's thoughts for the losing side were much better perceived by the divided electorate (Gagné 2010).

While the Yes victory in Montenegro had attracted big crowds in the majority pro-independence constituencies, the No victory in Quebec was followed by few signs of celebration and some minor incivilities from Yes supporters (*La Press*, 21 May 1980, p4; *La Press*, 31 October 1995, p1-2). The rapid acknowledgement of the referendum outcome by both sides, and the No camp and federal government's promise to bring the changes promised during the referendum campaign made for a comparatively smooth post-referendum transition. Overall, in Quebec, the referendum process had been recognised as free and fair, and a true representation of the people of Quebec's will.

On the other hand, the 1995 Yes side concession speech delivered by Jacques Parizeau called into question the integrity of the process by declaring that the defeat – by about 55,000 votes – was the result of "money and ethnic votes". This declaration was heavily criticised by the opposition, and other sovereigntists stressed that this was not what Quebec nationalism was about (Béland and Lecours 2006, 82). The Yes leader also referred to "us" as the 60 percent of Francophones who had voted for independence. While this number shows that the separatists in Quebec had succeeded in mobilising a majority of their targeted 'ethnic' group, it was not sufficient. Furthermore, this rhetoric posed problems as minorities did not support the proposed new state and their voices could have been lost had the sovereigntists won slightly more than the 49.4 percent of 94 percent of the electorate.

The 1995 campaign, more tense and polarised than the one in 1980, gave way to a stronger 'post-referendum syndrome' according to sovereigntists, affecting Quebec economically and culturally as it lost confidence in itself as a nation (Bock-Côté 2013, 128). The very close victory of the No side was a relief, not a cause for celebration. The 1995 referendum, in particular, is often referred to as "the referendum nobody won" (Clarke and Kornberg 1996, 681), highlighting the potential larger negative impact of an independence referendum process. The ROC was once again faced with the need to accommodate

Quebec following the No side and federal campaign promises made as the Yes was about to win the plebiscite. Yet, the reluctance of some provinces to accommodate Quebec was made clear during the campaign.

The narrow result was feared to give way to a third referendum. Parizeau controversially declared during the referendum process that Quebec sovereignty was inevitable and that regardless of the outcome of the referendum, the fight would continue (Smith, 2013:14). The rhetoric was that it might even be in the ROC's self-interest to see secession happen and avoid the 'never-ending visit to the dentist' that represented the Quebec question (Gray 1994).

VII.3.b. Legacies

The effects of the three independence referendums studied are multiple and complex. They affect the likelihood of seceding ranging from specific legal, political and social consequences. In Montenegro, the – agreed- referendum was critical in securing statehood. It did not make for a more united 'nation' however. The newly independent state of Montenegro still has a long way to go to bring all of its peoples together and deliver the promises made by the Yes campaign.

Tensions ran high during the referendum process, which can be argued to have lasted for almost five years since a plebiscite was first tabled in 2001. The only major related incident recorded during the campaign process took place in the capital football stadium where shots were heard but it did not escalate further (*Vijesti*, 17 May 2006), and 'both blocs invested extra effort to prevent the spread of religious and national hatred and intolerance' (CEMI 2007, 106). Nonetheless, relations between the two sides became tense at times. Djukanović and Bulatović did not want to shake hands before televised debates and both parties accused the other of criminal involvement and undemocratic practices (Morrison 2009, 213).

A similar narrative is still present in contemporary Montenegrin politics, 10 years after independence. The parliamentary elections of September 2016 were particularly tense with accusations from the DPS, which has been consistently in power since independence, that Serbia and Russia had attempted a coup against the Montenegrin government to bring a pro-Serbian and Russian coalition to power (Higgins 2016). Diplomatic ties with Serbia have been severed at times, notably over Montenegro establishing diplomatic relations with Kosovo (Dérens 2010).

The democratic credentials of Montenegro have not improved much since independence (I. Vuković 2015; Komar and Živković 2016). A year on, it 'boast[ed] stability and

macroeconomic growth', notably thanks to EU aid, and continued to benefit from the expansion of tourism (Hockenos and Winterhagen 2007, 39). The 2008 financial crisis put a stop to further infrastructure development and economic growth and it is yet to join the European Union. The debate over its accession to NATO, in particular, re-opened the old Serb/Montenegrin divide (Radoman 2007). About 30 percent of the population considered itself 'Serb', and 44 percent 'Montenegrin' according to the 2011 census (MONSTAT 2011). The nation-building process continues (Malešević and Uzelac 2007, 714).¹⁶⁵

The inclusive civic nationalist discourse during the campaign for independence also hides a more mitigated reality when it comes to the position of non-Montenegrin minorities. Minorities' employment, especially in public-sector jobs, lags behind Montenegrins, and Albanians notably are still campaigning against linguistic and political discrimination (Tomovic 2016, 2015). In 2007, the act that guaranteed minorities seats in parliament was almost scrapped by the DPS (*Balkan Insight* 2007). Fear of pan-Albanian sub-nationalism in the Balkan states has also been raised in Montenegro (Andjelic 2009).

The referendums in Quebec had the consequence of laying bare the different understandings of the Canadian federation and the disparities between Quebec and the ROC. Although all secessionist movements, to some extent call into question the legitimacy of the existing union, a referendum, especially the 1995 plebiscite, put such questions at the core of the national political agenda. The referendum process creates a momentum galvanising attention on what should be a decisive answer to the question of independence; although as the presence of two referendums suggested, this is not necessarily the case.

Despite the polarisation generated during the second referendum process, the federalist fear of witnessing a third independence referendum did not materialise. The *Partie Québécois* under Lucien Bouchard came back to power in the 1998 provincial elections but there was no desire to call another referendum, the party having gathered a very similar vote-share to that in 1994. Since then the PQ has been in and out of power in the province and has entertained at times the idea of holding another 'public consultation' on sovereignty (e.g. in 2008 and 2012; Seguin 2012). The party does not plan to hold another referendum on sovereignty before 2022 (*Montreal Gazette* 2017). Support for independence has steadily declined, and the new Francophone generation seems overall happy with the status-quo (Yale and Durand 2011; Gagnon 2014).

¹⁶⁵ Serbian parties have requested Serbs be made a 'constituent people' of Montenegro as opposed to national minority (*DANAS* 2008).

Some of the grievances among the Quebec electorate articulated since the 1970s have been answered. Quebec's economy is doing well relative to the rest of the world, and better than some of the western provinces despite periods of recession, but still lags behind in terms of individual income compared to the ROC (Dauphin 2002; Godbout and Joanis 2008; see also Albouy 2008 reduction of wage gap between Francophones and Anglophones). Some scholars have argued that the 'neverendum' question of Quebec's independence might have contributed to the Quebec economy underperforming since the 1980s (Somers and Vaillancourt 2014). Immigrants in Canada still favour English, and the 2011 census showed that bilingualism is shrinking in the ROC (Souza 2012). In November 2006, the federal House of Commons voted to recognise the Quebec people as a 'nation within a united Canada'. The Party and Bloc Quebecois supported the motion, while some politicians from Western Canada abstained as they feared this was a slippery-slope that would lead to Quebec asserting its right to be a nation-state (Galloway 2006).

In constitutional terms, the referendums in Quebec had a clearer long-term impact. Following its narrow victory, the federal government realised that a future referendum process could not be left solely in the hands of the separatists and asked the Supreme Court of Canada to decide on the legality of a *unilateral* secession of Quebec. The Court decision, known as the 'Secession Reference', was made public on the 20th of August 1998. The court asserted the need to consider 'legitimacy' over simply 'legality', and that 'a political system must also possess legitimacy, and in our political culture, that requires an interaction between the rule of law and the democratic principle' (Reference re Secession of Quebec 1998, Para. 33, 67).

In its review of the federation's history, the court gave emphasis to the idea of different entities coming together (Para. 55-60). While this favoured the independentists' vision of the federation, the court also asserted that unilateral secession was illegal under international and Canadian law. Yet, because of 'the federalism principle, in conjunction with the democratic principle' – as government by consent– and 'the accommodation of cultural and identity groups, Quebecers, and their sovereign 'will of a people' ought to be considered by the federal government' (Para. 61, 64, 66). This would mean an 'obligation on all parties of the confederation to negotiate constitutional changes to respond to that desire', but not that Quebec could unilaterally act on such desire and secede (Reference re Secession of Quebec 1998 paras. 87, 88, 135)

The emphasis is therefore on the right to seek independence and for Quebec to initiate through constitutional means, and in cooperation with the federal government and the ROC, a new constitutional arrangement. This can include separation, over a right to

secede per se. This ruling essentially keeps secessionism: (a) internal, (b) constitutional, (c) consensual, and (d) a political process. It also stated two important conditions on how the will to secede should be expressed, referring to two aspects of the referendum design that proved most controversial: through a clear majority (left unspecified) on a clear question (Para. 76).

The federal government took the Supreme Court ruling as an opportunity to take back control of the design of a possible third independence referendum. The Clarity Act of 2000 gave the federal House of Commons the competency to decide whether a future referendum question's wording was sufficiently clear, and specify the 'will of the majority' threshold; in essence allowing it to decide the legitimacy of the process. This was done without consulting the Quebec government, which had simultaneously passed Bill 99¹⁶⁶ to assert what has been the case in the two previous referendum: the Quebec national assembly had exclusive competences over the referendum process and officially set the majority at 50 percent of the cast votes plus one (Pavković and Radan 2007, 84; Şen 2015).

The current disagreements over a possible referendum design in Quebec means that the PQ is headed for a unilateral process. The party justifies its stance on a simple majority being enough, based on international practice, but more importantly, the precedent set by the two previous consultations and referendums held in Canada on other issues (c.f. Parti Québécois 2017). It was also suggested during my stay in Quebec that the party could consider holding a series of referendum on the province's competencies (e.g. control over key jurisdictions such as immigration), which would exclude any reference to self-determination (what the Clarity Act touches upon), but would result in the Quebec province gaining key, de facto, state competencies.

These legal developments, in light of the two independence referendums, make the holding of a third referendum a much more controversial process, and less likely to be agreed upon. While they entrench the right of the Quebec people to decide on how their sovereignty should be exercised and put pressure on the Canadian government and the ROC to answer such demands, the design of the referendum is heavily contested. Furthermore, it shows how, although the referendum might not be legally binding the process of consulting the people is politically binding. Through the referendum, the symbolic sovereign authority of the people has been legitimised (Jackson 2003, 791; cf. chapter I discussion on Democracy, Legitimacy and Legality).

¹⁶⁶ Became law E-20.2 (Loi sur l'exercice des droits fondamentaux et des prérogatives du peuple québécois et de l'État du Québec 2000).

The Quebec case was referenced on multiple occasions in the run up to the Montenegrin independence referendum of 2006. Notably, the Secession Reference discussed above was used by the Venice Commission to justify some of the changes to existing procedures to ensure Montenegro would have a clear question and a special majority in favour of secession (Venice Commission 2005, 1–16). Partially as a result of using the Quebec case as a precedent and the specific secessionist dynamics in Montenegro, the referendum on independence was subject to (a) both internal and external forces, and as a result was (b) a negotiated, agreed, referendum based on (c) unconstitutional/ad-hoc measures.

As with Montenegro, the post-Quebec-referendums developments show that the boundaries between what is a legal and legitimate process can be very blurry and contested, and no formal agreement – even one signed by all parties concerned as in Montenegro – can guarantee how the referendum process will be interpreted. In 2016, on the 10th anniversary of Montenegro’s independence, Donal Tusk, President of the European Council, reflected very positively on the Montenegrin referendum: “You have built your independence wisely and patiently, without needless victims, and after gaining it, you nurtured good relations with your immediate neighbours in a most mature way. Everyone valued it highly”.

In turn, the Montenegrin case has been used by Canadian scholars to consider the special majority in Quebec should a third independence referendum take place (Oklopčic 2012, 24; Choudhry 2008, 7–9). The UN also considered both cases in crafting the Southern Sudan Referendum Act of 2009. The South Sudan independence referendum of 2011 required 51 percent of votes in favour of independence, and a minimum of 60 percent turnout; much less than what the No side had hoped for in the negotiations (*Sudan Tribune* 2009). Post-secession negotiation started shortly after an overwhelming majority of voters endorsed independence (cf. Jumbert and Rolandsen 2013 for an overview).

The EU member states welcomed the Republic of South Sudan as ‘a new independent state’, stating that ‘The Referendum was conducted peacefully and credibly and its outcome was a true reflection of the democratically expressed wishes of the people of South Sudan’ (EU 2011). The case of Quebec and Montenegro were also used as evidence in the Scottish independence referendum process (e.g. Parliament Committee 2012; Select Committee on the Constitution 2014; Robertson 2015); which in turn has been used in Catalonia to make the case for the referendum and independence (Govan 2014). We may ask, however, to what extent we can learn from the Quebec and Montenegrin cases, and whether and how this knowledge should be transferred to other secessionist cases and contexts.

If anything, the review of Quebec's and Montenegro's referendums has highlighted how context-dependent essential aspects of the referendum are in its ability to answer the present conflict over statehood, notably its perceived legitimacy and what constitutes a free and fair process binding a maximum of actors to recognise the outcome. Furthermore, both cases have further supported the argument made in chapter I that the inherent legitimacy of popular sovereignty in current international norms takes precedent over legality. The case of Quebec further shows that trying to set constitutional rules after the facts result in a lack of legitimacy for the legal provisions.

The situation of the First Nations in Quebec or the still ambiguous status of Kosovo demonstrate that the potential precedent set in the two case studies fails to answer the essential question of who has a right to secede in the first place. Agreed independence referendums apply the plebiscitary right theories covered in chapter I by asserting that (1) a people exists, and (2) they have a right to decide which state they wish to live under and be represented by. This in itself always increases the likelihood of secession in absolute terms and, once acknowledged, is very difficult to withdraw. However, the host-state still gets to decide in the first place whether such people do indeed form a collective distinct from the rest of the population and are entitled to internal and external self-determination. The referendums in East Timor and South Sudan have been mandated by international actors under similar pretexts found in remedial right-only theory to answer violations of human rights (cf. for example Maley 2000; Christopher 2011)¹⁶⁷; yet they remain exceptions.

Conclusion

The review of the independence referendum campaigns in Quebec and Montenegro has shown that in both cases, the campaigning period enabled the secessionist actors to increase their support base. While it was sufficient in Montenegro, it fell short of victory in Quebec. Yet, the Yes side gains in Montenegro were limited from 5 to 7 percentage points between the first call for a referendum in 2001 and when it was held in 2006. In Quebec, where 'independence' as defined in Montenegro remained an unclear project, support for independence grew from 20 to 30 percent, prior to the first referendum, to 40

¹⁶⁷ There is limited evidence that this was used as a justification in Eritrea, cf. Cassese (1995, 221).

percent, and another almost 10 percent in 1995. Accordingly, the referendum campaign proved to be a more important mobilisation platform in Quebec than Montenegro.

The campaign strategies on both sides of the referendum options showed similarities between the two regions. The framing strategies in the three Yes campaigns saw identity surrounding most of the other major themes. While it was in itself an essential feature of the argument in favour of independence in Quebec, it blended with the theme of Europe and democracy in Montenegro. The discursive construction of the nation also allowed secessionist actors to channel political and economic arguments to highlight the disadvantage of the status-quo and the benefits of independence. Independence in both cases was framed as a need to achieve broader economic and political goals. Key to the Quebec frame, however, was 'sovereignty-association' which aimed to retain close links with Canada, contrasting with the context of Montenegro where the union was seen as an impediment to prosperity.

The No campaigns were comparatively more negative. To counter the Yes sides' criticism of the status quo, they highlighted the benefits of the union, and more importantly the drawbacks of independence and the Yes side actors' credibility. While in Quebec those were focused on the economy, the context in Montenegro meant that the benefits of the union were more difficult to defend. Instead, the pro-Serb campaign ended up at times being overly nationalistic and Serb-focused. The Montenegrin unionist block was not in a strong position to increase its electorate due to the Montenegrin minorities' hostility towards Serbia, and because it could not really affect the cost/benefit calculation in staying in a Union that had just been reformed and with a much more powerful 'big brother'. In Quebec, Ottawa was originally reluctant in both campaigns to grant concessions to the Francophone provinces, especially when facing reticence from the ROC in 1995. The high levels of support for the Yes in opinion polls compelled the No camp and federal actors to promise that a No vote did not mean maintaining the status-quo and that Quebecers could have some of their grievances met without risking secession.

In the three campaigns, controversies over the rhetoric employed (e.g. over minorities, or opponents), as well as breaches in the campaign procedure, such as the intervention of the host-state, led to aspects of the referendum process being contested. While it did not delegitimise the outcome in Quebec, the No side in Montenegro was reluctant to recognise the result. Despite obvious violation of what would be considered a 'free and fair' process by international standards in Montenegro, the international community was key in legitimising the referendum outcome and pressuring all actors to abide by it.

Finally, the three referendums under study had important long-term consequences on the societies where they were held and the broader international context. Notably, they set important precedents and examples that were then used in other independence referendums. I will now expand further on this while bringing the two cases back into a broader comparative perspective and in light of the quantitative evidence when concluding this thesis.

CONCLUSION

In 1990, 28 new states joined the international system.¹⁶⁸ Among them, 18 have since held independence referendums asking their citizens directly whether they should stay within the existing state or form a new independent sovereign nation-state. When excluding states born out of the dissolution of the former Union of Soviet Socialist Republics and the Socialist Federal Republic of Yugoslavia, four out of six new states had an independence referendum: Eritrea in 1993, East-Timor in 1999 (fully independent in 2002), Montenegro in 2006 and South Sudan in 2011. Other regions held independence referendums in the meantime, with Scotland and Crimea in 2014 being the latest examples, without leading to secession. This review and the thesis findings suggest that independence referendums may have an increasingly important role to play in state-creation.

This thesis asked whether independence referendums affect secessionist dynamics and can increase or decrease the likelihood of secession occurring, and if so, how? Using a mixed- quantitative and qualitative method approach, I uncovered how ‘the will of the people’ is utilised in an independence referendum to separate from an existing sovereign state, and to create a new independent state based on the sovereignty of a designated ‘nation’. From the theoretical and normative underpinnings of popular and state sovereignty, to the empirical practice of referendums on questions of sovereignty, I have demonstrated how an independence referendum offers a strong legitimisation tool for secessionist actors to further their goal.

In the first chapter, I reviewed how the only clear determinant of international recognition, outside of decolonisation, is the lack of opposition from the existing host-state. Accordingly, only when the host-state does not stand against the referendum and declare it an illegal or illegitimate practice, is there room for the ‘will of the people’ to determine the secessionist outcome. This proposition was backed by the quantitative review in Chapter IV. Independence referendums where the host-state government and secessionist leaders agree to let the regional population decide how their sovereignty should be applied

¹⁶⁸ Slight variations depending on definition (Griffiths and Butcher 2013; Correlates of War Project 2016). The numbers excluded small island-states such as Micronesia.

generally lead to statehood when a majority of voters endorse independence. On the other hand, a unilateral referendum does not guarantee that the ‘will of the people’ will be definitive. However, the qualitative analysis showed that host-state opposition, while important, might not be the primary concern or obstacle in achieving a consensual consultation process. The host-state obstruction can be supported by regional internal opposition to secession, or international actors.

Exceptions, such as the case of Iceland in 1944, and the review of Quebec and Montenegro pointed to some limitations with this classification and questioned to what extent an ‘agreed’ process can be binding. Such cases however, while limiting the effect of the referendum itself, did further support the argument that once the people have been given the choice, it is difficult for elites to withdraw it, and their decisions become politically binding. Furthermore, there is still some room for interpretation when it comes to classifying agreed vs. unilateral referendums on independence. The requirement for a lack of opposition and the host-state government consent may be problematic in cases where such government own existence can be questioned, as with the SFRY or USSR.

The thesis also demonstrated, quantitatively and qualitatively, that consent trumps legality, and independence referendums are primarily a political phenomenon. Chapter V and VI showed that while Montenegro had a legal right to secede, it was insufficient to ensure a binding referendum outcome. Canada’s silent constitution on the matter did not prevent Quebec from holding two referendums during which the federalists ensured that the debate was indeed about ‘separation’. The present situation in Catalonia goes against this general trend, as potentially the only referendum to be held where the constitution forbids secession.¹⁶⁹ The (il)legality of secession is to date the core argument of the Spanish government in opposing the holding of an independence referendum and forceful intervention on voting day on 30th October 2017. The subsequent refusal to engage in negotiations with the Catalan government prior to its declaration of independence seems to be a further attempt to avoid any legitimisation of the region’s demand for self-determination (internal or external). Accordingly, consideration for legality remain important when looking at independence referendums and may be more or less salient depending on context, limiting the generalisability of these findings.

Furthermore, while the Spanish government, like the UK or Canada, is largely left to decide on its own how to deal with the secessionist movements within its territory, The Federal Republic of Yugoslavia (FRY) (Chapter V), Sudan or Ethiopia had to contend

¹⁶⁹ The Spanish Constitution, it is argued, forbids secession as it stresses the existence of a single, and indivisible, Spanish nation (Guibernau 2013, 382).

with external intervention in their internal affairs. The normative debate covered in Chapter I around the question of who has a right to secede shows that this question is still to be answered by the existing state or other powerful states (Great Powers) within the international community. Nonetheless, plebiscitary theories of secession might provide grounds for a new norm on what means may be used in state creation as more precedents of consensual independence referendums are set. Indeed, it becomes increasingly inconceivable that a state could come into being today without a clear popular mandate, most likely to be made apparent via a plebiscite.

Chapter II offered hypotheses on why independence referendums are called and come to be agreed upon by the host-state. This review contributed to the referendum literature on why and when referendums are held on the specific topic of independence. The quantitative analysis in Chapter IV provided limited evidence in identifying a contextual factor that may increase incentives to secede, and therefore the attractiveness of a referendum by securing a majority of votes in favour of separation. The limited and somewhat crude contextual measures in the quantitative analysis cannot account for the complexity of factors involved in the process of calling an independence referendum and its outcome. It also proved limited in overcoming the problem of endogeneity. The qualitative analysis did show that the motivations behind a secessionist movement decision to call an independence referendum, and a host-state to agree to it, are complex and context specific.

Nonetheless, concerns for legality, legitimacy, and international recognition were important elements in both Quebec and Montenegro. Furthermore, sub-national institutions were crucial in both cases as seen in chapter V. The quantitative analysis showed that the capacity to hold a referendum at the subnational level in the first place is an important element to consider. Secessionist regions which lack institutional capacity may indeed have a harder time organising an independence referendum. The example of Catalonia in 2017 also shows how difficult it can be for a central government to prevent the holding of a plebiscite when such institutions are in place, or do so without employing exceptional measures. Indeed, the Spanish government had to dispatch special forces to physically prevent voters to cast their ballot.

An institutional arrangement that allows for internal self-determination (such as ethnic-federalism), and access to executive powers at the regional level, facilitates the mobilisation of the population in favour of secession, and the ability to call and hold a plebiscite. On the other hand, the absence of such political institutions was found to be potentially associated with increased support for secession, along with the experience of

violence as the result of an independentist movement. In fact, the thesis finds that such constitutional arrangements bring both contradictory centrifugal and centripetal dynamics in the process of holding an independence referendum by providing institutions which facilitate the holding of a plebiscite and initial mobilisation, yet also limits support for independence.

The in-depth study of Quebec and Montenegro further informed the possible complex and context-specific reasons behind a host-state willingness to 'let the people decide'. Internal and external pressures, the perceived cost of standing against the secessionist movement, and the likelihood of winning or losing the referendum played an important part in the decision to consent to Québécois and Montenegrins deciding on whether they wish to stay or leave their existing union with Canada and Serbia respectively. Existing support for independence, and how close to the 50 percent majority it stands is likely to play an important part in the decision to call, hold and agree to an independence referendum. The selection of these case studies however limits the generalisability of the findings. Cases where support is very high, or other context outside of the European continent and North America should be considered to appreciate how a host-state government may respond to demands for an independence referendum. Indeed, contextual knowledge remains valuable and while the study of Quebec and Montenegro have considerably improved our understanding of independence referendums as secessionist tools, further study is needed to understand to what extent lessons learned here can be applied to other cases.

Once the referendum is a consensual process and binding on the secessionist actors and host-state, support for independence becomes crucial to determine the referendum outcome. Based on Chapter II's conceptualisation of support and existing literature on societal, political and economic factors, I considered when and how an independence referendum could not only mediate the relationship between existing secessionist dynamics and outcome but also moderate it to the extent that it can affect the secessionist outcome. Based on existing literature on secession and referendums, I identified the most likely scenario for this to happen when support for independence stands closest to 50 percent prior to the referendum being called, +/- 20 percent.

Chapter VI and VII further showed how the referendum design and the campaign could be critical in winning or losing the referendum. Who has the most control over the referendum framework, notably who gets to vote, the qualifying majority and how legitimate the process is perceived to be by individuals, political leaders, and the international community can considerably increase or decrease the likelihood of secession. The referendum campaign notably offers an important mobilisation platform

for secessionist actors. In Quebec, and to a lesser extent in Montenegro, it proved critical it increasing support for independence, despite the No side counter-mobilisation efforts. The referendums did not, however, create a lasting wave of support nearing the majority found in 1995 in Quebec. The limited support for independence in Quebec presently acts as a check on secessionist actors and, unless a considerable change in context occurs, secession is an unlikely prospect in the near future.

A similar trend could be witnessed in Scotland. When the Scottish independence referendum was called by the SNP in 2011, support for independence stood at around 30 percent (Carrell 2011). Three years later, after an intensive referendum campaign which has come to be regarded as a ‘model for citizen engagement’ (Tierney 2016, 72), 44.70 percent of Scottish electors cast a Yes ballot to separate from the United Kingdom. Returning to the case of Catalonia, polls show that existing preferences between independence and supporter of the Spanish state make a referendum outcome very difficult to predict (around 44% Yes, and 46% No; Jones 2017). While it is believed that the actions taken by the Spanish government on voting day might have increased support for independence, the actual referendum result limits the legitimacy of the secessionist claim due to a small turnout estimated at 43 percent, despite 90 percent of voters endorsing independence (*Reuters* 2017).

Assessing the campaign effect in cases such as Eritrea or South Sudan would pose more challenges, not only because we may be dealing with a more polarised context from the start, but also because campaigning as known in a western democracy is potentially less effective. An independence referendum in such context comes with a range of challenges. For instance, international observers estimated that 80 percent of Southern men and 92 percent of women in the northern territory of South Sudan were unable to read (Lunn 2010, 8). A deliberative process and mobilisation around independence would have had to take place without the mass communication media and well established political parties network. One of the priorities in East Timor was not only whether the electorate and both sides of the debate would be satisfied with the process, but also for participation to be safe in the first place (Maley 2000).

The review of Quebec and Montenegro also showed that while economic concerns are indeed strong drivers in individual level support for secession in line of the existing literature (e.g. Martin 1994; Blais, Martin, and Nadeau 1995; Curtice 2014; Muñoz and Tormos 2015), and were important elements in the Yes and No campaigns, they should not be disconnected from broader political and societal factors. Notably, how the host-state is perceived and how one places his or her identity towards it (c.f. for example Rico

and Liñeira (2014) in the case of Catalonia; or Brown (2004) on Aceh and the protection of the group interest and ideological concerns). The way the existing context is framed, and whether such framing is successful in mobilising support is crucial to the chances of either side's success in a referendum. Yet, the 'rhetorical war' generated during a campaign can lead to further polarisation among people that ultimately have to live together, be it within or outside the existing state. More research is needed to consider these potential negative consequences of independence referendums.

The referendum design and process are essential components to ensure that such negative effects are mitigated and the losing sides consent to respect the referendum outcome. No independence referendum context will ever be totally unbiased. The host-state government remains the ultimate sovereign authority over the disputed territory. The ability to call and hold an independence referendum is likely to be a reflection of an already successful mobilisation by independentist actors; albeit not necessarily with majority support. The more satisfied actors involved within the referendum process, including international, state, sub-state and societal levels, the more likely a referendum will bring a lasting conclusion to the question of secession.

While there is a lot to learn from previous independence referendums, we should be careful to pay attention to context-specific legal, normative, societal and political dynamics behind a specific secessionist movement. What is appropriate in one context is not necessarily in another. The acceptability of the referendum design, for instance, is likely to be determined by actors' interests, culture, existing constitutional arrangements or former experience. Setting a blueprint on how independence referendums should be conducted can, therefore, be problematic. While the opportunity to exercise sovereign decisions in terms of governance offered by referendums is laudable, elite control and negative dynamics brought about by independence referendums should not be neglected.

The mixed-methods employed offer both an *additional* and *different* way to address the research questions (Blaikie 2000); enabling me to consider the practice of independence referendums within the secessionist dynamics that bring them to life. Chapter I showed how existing literature lacks a clear definition of what constitutes independence referendums. By applying a restrictive definition and classification in order to improve compatibility to draw comparisons, a more robust base of such referendums and their effect was made possible. The visits to Quebec and Montenegro also proved essential to gain a better understanding of the case-studies and ensure that a maximum of perspectives was taken into account. Throughout this thesis a paradox between competing norms and values as been highlighted, notably that while secession is not a right in the current

international system, it is not necessarily illegal and sovereign state legitimacy today relies on the democratic will of its people. It has shown how such concerns have been answered in different ways through the use of an independence referendum, and how the referendum itself affects existing secessionist dynamics. However, limitations persist.

Further study is needed notably, as noted earlier, in non-Western democratic contexts and using individual-level data. We still lack an understanding of individual-level motivations to support independence at large, and especially in such context. Even in a Western-democracy where the amount of data gathered is much more substantial, there are still impediments to understanding motivations within campaigns and over a greater period of time. The lack of data makes it difficult to assess the effect of the independence referendum on the behaviour of voters and what key aspects of the design or campaign may have an impact. In this thesis, this effect has largely been assumed based on the study of macro opinion data and therefore it could not isolate which distinct aspects of the referendum design would be the most important in increasing or decreasing support for independence.

The findings in this thesis around support for independence and electoral mobilisation require further in-depth study to fully appreciate whether individuals do indeed respond to such framing strategies and what factors are considered in their appreciation for the cost-benefit of secession. The quantitative analysis in particular, while important in giving a thorough overview of the subject of study, proved limited. More data and a time-series analysis would be able to test further some of the hypotheses developed here by increasing the amount of observations. Further case-studies should also be considered in more depth, including unilateral referendums to test the presented hypotheses on why a host-state government consents or not to an independence referendum. While the thesis has shown that it is important to distinguish between consensual referendums and one-sided referendums, it does not presume that the latter are not important events devoid of consequences.

The independence referendum campaign in Montenegro, and more recent and equally data-rich cases such as Scotland and Catalonia, would also merit further study to appreciate the centrifugal and centripetal dynamics generated during independence referendums. The thesis has also shown that the nature of the electorate is important not only for the referendum outcome in terms of the likelihood of achieving secession, but also for a peaceful transition following this form of popular consultation. Quebec and Montenegro showed two examples of how the electorate can be drawn and negotiated, but more are possible (e.g. ancestry in South Africa, or residency in Scotland). The

consequences of different electoral bodies should be further assessed to allow for more generalisability.

More importantly, future research should engage with the problematic aspects of independence referendums mentioned in this thesis when considering their effect on secessionist dynamics. The ‘tyranny’ of the majority is a well-known problem among political scholars (e.g. Setälä 1999; Bowler and Todd 2001), but the presence of quorums also questions whether a minority should be able to decide for a majority? Voter assessments of the consultative process and democratic satisfaction should also be at the centre of any referendum process, but especially those on the question of independence given its considerable impact on the existing, or future state’s perceived legitimacy. Additionally, the motivations of elites and their ability to manipulate the referendum process considerably constrains the ‘will’ and the ‘people’ which are to determine the outcome. Further considerations for such questions, in light of empirical evidence, would be a valuable contribution to the study of independence referendums, which, increasingly are an essential step in state-creation.

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APPENDICES

Appendix A: Cases

Home-state – Region	Referendum	Agreed Referendum	Year of the referendum
Angola - Cabindans			
Australia - PNG			
Australia-Western Australia	Yes	No	1933
Azerbaijan - Nagoro- Karabakh	Yes	No	1991
Azerbaijan - Talysh			
Bangladesh - Hindus			
Belgium - Belgian			
Congo			
Belgium - Burundi			
Belgium - Flemish			
Belgium - Rwanda			
Bolivia - Cambas			
Bosnia and Herz. - Croats/Muslims			
Bosnia and Herz. - Serbs			
Burma - Arakanese			
Burma - Kachins			
Burma - Karenni			
Burma - Karens			
Burma - Mons			
Burma - Shans			
Cameroon - Southern Cameroon	Yes	No	1995
Canada - Quebec I	Yes	Yes	1980
Canada - Quebec II	Yes	Yes	1995
China - Hui			
China - Manchukuo			
China - Southern Mongols			
China - Tibet			
China - Uighurs (Xinjiang)			
China/USSR-Outer- Mongolia	Yes	Yes	1945
Comoros - Anjouan	Yes	No	1997
Comoros - Moheli			
Croatia - Serbs			
Cyprus - Turkish Cypriots			
Czechoslovakia - Carpatho-Rusyns			
Czechoslovakia - Slovakia			

Denmark - Faeroe Islands	Yes	Yes	1946
Denmark - Iceland	Yes	No	1944
Denmark- Greenland			
DRC - South Kasai			
DRC - South Katanga			
Ethiopia - Eritrea	Yes	Yes	1993
Ethiopia - Somali			
Ethiopia - Tigray			
France - Alawites (Hatay)			
France - Algeria	Yes	Yes	1962
France - Basques			
France - Brittany			
France - Casamance			
France - Comoros	Yes	Yes	1947
France - Corcica			
France - Dahomey (Benin)			
France - French Eq. Africa (CAR)			
France - French Eq. Africa (Chad)			
France - French Eq. Africa (Gabon)			
France - French Eq. Africa (Congo)			
France - French Indochina (Cambodia)			
France - French Indochina (Lao)			
France - French Indochina (Vietnam)			
France - French Somaliland I	Yes	Yes	1967
France - French Somaliland II	Yes	Yes	1977
France - French West Africa (Cote d'Ivoire)			
France - French West Africa (French Soudan)(Mali)			
France - French West Africa (Guinea)			
France - French West Africa (Mauritania)			
France - French West Africa (RDA)			
France - Madagascar			
France - Morocco			
France - Mossi (Burkina Faso)			
France - New Caledonia	Yes	No	1987
France - Niger			
France - Savoy			
France - Senegal			
France - Syria			
France - Tunisia			
Georgia - Abkhazia			

Georgia - South Ossetia I	Yes	No	1992
Georgia - South Ossetia II	Yes	No	2006
India - Assam			
India - Boro/Bodo			
India - Hyderabad			
India - Kashmir			
India - Meitei			
India - Mizos			
India - Nagas	Yes	No	1951
India - Sikhs			
India - Tripuras			
Indonesia - Aceh			
Indonesia - Ambonese			
Indonesia - East Timor	Yes	Yes	1999
Indonesia - Papuans			
Indonesia - Sulawesi			
Indonesia - W.Papua (Iran Jaya)			
Iran - Arabistanis (Ahwaz)(Khuzestan)			
Iran - Azeris			
Iran - Kurds			
Iraq - Kurds			
Italy - Giulians			
Italy - Italian			
Somaliland			
Italy - Montenegro			
Italy - Padania			
Italy - Sanusis			
Italy - Sardinia			
Italy - Sicily			
Italy - South Tyrol			
Ivory Coast - Anyi			
Malaysia - Singapore			
Mali Federation - Senegal			
Moldova - Gagauz			
Moldova - Transnistria	Yes	No	1991
Morocco - Saharawis			
Namibia - Basters (Rehoboth)			
Namibia - Lozi			
Netherlands - Dutch			
Guiana (Suriname)			
Netherlands - Netherlands Indies (Indonesia)			
Netherlands - W.Papua (Iran Jaya)			
New Zealand - Maori			
New Zealand - Samoa (W.Samoa)	Yes	Yes	1961
Nigeria - Edos			
Nigeria - Ibos (Igbo)			
Pakistan - Baluch			
Pakistan - E. Pakistan (E.Bengal)(Bengalis)			
Pakistan - Pashtuns			

Papua New Guinea - Bouganville			
Philippines - Mindanao			
Portugal - Angola			
Portugal - Cape Verde			
Portugal - East Timor			
Portugal - Guinea Bissau			
Portugal - Sao Tome & Principe			
Potugal - Mozambique			
Russia - Chechnya			
Russia - Dagestanis			
Russia - Finland			
Russia - Tatars			
Saudi Arabia - Asiris			
Senegal - Casamance			
Serbia - Kosovo			
Serbia and Montenegro - Kosovo Albanians			
Serbia and Montenegro - Montenegro	Yes	Yes	2006
Solomon Islands - Guadalcanal			
South Africa - Inkatha (Kwazulu)			
South Africa - Namibia			
Spain - Basques			
Spain - Catalans	Yes	No	2014
Spain - Spanish Guinea			
Sri Lanka - Tamils			
St.Kitts and Nevis - Nevis II	Yes	Yes	1998
Sudan - South Sudan	Yes	Yes	2011
Sweden - Norway	Yes	Yes	1905
Thailand - Malays			
Turkey - Kurds			
Uganda - Bankonjo			
UK - Bahamas			
UK - Baluch			
UK - Basuotoland (Lesotho)			
UK - Botswana			
UK - British Somaliland			
UK - Brunei			
UK - Burma (Myanmar)			
UK - Ceylon (Sri Lanka)			
UK - Cyprus			
UK - Egypt			
UK - Fiji			
UK - Gold Coast (Ghana)			

UK - Guyana			
UK - India			
UK - Iraq			
UK - Ireland			
UK - Jews (Palestine/Israel)			
UK - Karen			
UK - Kuwiat			
UK - Malaya (Straits Settlements)(Malaysia)			
UK - Malta			
UK - Mau Mau (Kenya)			
UK - Mauritius			
UK - Newfoundland			
UK - Nigeria			
UK - Northern Ireland			
UK - Pakistan (West & East)			
UK - Rhodesia			
UK - Rhodesia - Southern Rhodesia	Yes	No	1964
UK - Rhodesia - Zimbabwe			
UK - Sanusis			
UK - Scotland	Yes	Yes	2014
UK - Seychelles			
UK - Sierra Leone			
UK - St.Kitts and Nevis - Nevis I	Yes	No	1977
UK - Sudan			
UK - Swazi			
UK - Tanganyika			
UK - Uganda			
UK - Wales			
UK - Yemen (FLOSY)			
UK - Yemen (NLF)			
UK - Zanzibar			
Ukraine - Crimea	Yes	No	2014
USA - Hawaiians			
USA - Marshall Islands			
USA - Philippines			
USA - Puerto Rico			
USSR - Adzhar (Georgia/South Ossetia)			
USSR - Ajars			
USSR - Armenia			
USSR - Azeris	Yes	No	1991
USSR - Balkars			
USSR - Belarus			
USSR - Estonians	Yes	No	1991
USSR - Georgia	Yes	No	1991
USSR - Kazakstan			
USSR - Krygstan			
USSR - Latvians	Yes	No	1991
USSR - Lithuanians	Yes	No	1991
USSR - Moldovans			

USSR - Russian			
USSR - Tajiks			
USSR - Tatars			
USSR - Turkomen	Yes	No	1991
USSR - Ukrainians	Yes	No	1991
USSR - Uzbeks			
Vanuatu - Tafea			
Vanuatu - Vemeranans			
Vietnam - Chams			
Yemen - South Yemen			
Yugoslavia - Montenegro	Yes	No	1992
Yugoslavia - Albanians (Kosovars)	Yes	No	1992
Yugoslavia - Bosnia/Herz.	Yes	No	1991
Yugoslavia - Macedonia	Yes	No	1991
Yugoslavia - Croatia	Yes	No	1990
Yugoslavia - Slovenia	Yes	No	1990

Appendix B: Variables

					Dependent Variables			Expected Relationship between DVs and IVs
					Referendum (dummy)	Secession (Dummy)	Support for Secession (Continuous)	
					Referend held=1/0 Referendum Agreed =1/0	Secession=1/ 0	% Yes votes % Yes vote/Turnout	
Independent Variables		Operationalisation		Source	SUDD/IDEA/C2D			
Independent Variables	Societal	Identity (Categorical/Dummy)	0= Share language and Religion 1 = Share language or religion 2= share both	Coggins (2011), MAR, EPR	+	+	+	
		Violence (Dummy)	0 = No violence / 1 = Violence (over 25 death/year)	PRIO, COW	-	-	+	
		Length Union (Continuous)	Number of years since formal integration of the region within the existing host-state	Historical accounts	-	-	-	
		Regime Durability (Continuous)	Number of years since the last change of 3 or more points in the Polity IV (within 3 years or less)	Polity IV	-	-	-	
	Political	Democracy (Continuous)	From 0 = least democratic to 10 = most democratic	Polity IV	-/+	-/+	-	
		Ethnic-Federalism (Dummy)	0= Not part of an ethnic-federation 1 = Part of an ethnic-federation	Roeder (2007)	+	+/-	+/-	
		Power-sharing (Dummy)	0= Regional group has no formal or informal power-sharing at host-state level 1 = Formal or informal power-sharing in place	EPR	-	-	-	
		Regional Government (Dummy)	0= Regional group representative not in government at regional level 1 = Regional group representative in government at regional level	EPR, Historical accounts	+		+/-	

	Economic	GDP per capita (Continuous)		GDP per capita estimates in 1990 Geary-Khamis dollars	Maddison Project	-	-	-
		Regional population size (Continuous)		National population in thousands	Maddison Project – National Statistics bureau	+	+	
		Regional population/Host-state population (Continuous)		Regional population divided by National population	OCESD – UNSD - National Statistics bureau	+	+	
		Regional GDP per Capita/ Host-state GDP per capita (Continuous)		Regional GDP per capita divided by a corresponding year and measure of National GDP per capita	OCESD – UNSD - National Statistics bureau	-/+		+
	Referendum design	Referendum (Dummy)	Unilateral	1= Referendum declared illegal by the host-state/ host-state did not engage with the process 0= No referendum/referendum agreed	SUDD/IDEA/C2D – Historical academic accounts			
			Agreed	1= Referendum agreed between the host-state government and secessionist leaders 0= No referendum/unilateral referendum			+	
		% Yes vote (Continuous)		Official registered percentage of Yes voted casted	SUDD/IDEA/C2D		+	
		Turnout (Continuous)		Official registered percentage of the registered electors who casted a vote			+	
		Quorum (Dummy/Categorical/Continuous)	Q. Type	1= Turnout quorum in place 2=Endorsement quorum in place 0= No special quorum				
			Q. Threshold	Percentage of the electorate required				
		Campaign Length (Continuous)		Number of days between the official announcement of the referendum date or enactment of legislation allowing the referendum to take place, and the holding of the referendum (voting day)	Online National Archives, Academic publications, Official IOs reports, Newspapers.			+/-
		No campaign (Dummy)		1= Officially registered No campaign 0 = No registered No-side campaign, or no indication of a No campaign activity	Online National Archives, Academic publications, Official IOs reports, Newspapers.			-

Appendix C: The 1992 Montenegrin Independence Referendum

The first independence referendum to be held in Montenegro in 1992 stands out as an outlier among unilateral independence referendums as it was not organised by the secessionist side. Montenegrin independentists, much weaker than in the other republics, hoped to see Montenegro regain its independence during the ‘dissolution’ of the Soviet Federation. Yet, the referendum that ended up being held was aimed at securing it. It was originally not even aimed at Montenegro in particular, but as an answer to the secessionist calls around the SFRY (Rich 1993, 53). By the time the referendum was held however unilateral referendums and/or declaration of independence in other republics had already taken place under anti-Serbian nationalist oppositions in 1990 and 1991. The referendum in Montenegro was, therefore, more a symbolic move to secure what could be saved of the former Yugoslavia.

The referendum was organised under the supervision of the Democratic Party of Socialists (DPS – *Demokratska Partija Socijalista Crne Gore*), headed by Momir Bulatović and Milo Djukanović, created to replace the former Montenegrin Communist party, but its members and structure remained intact (Bieber 2003b, 11–12). Given that the referendum was mandated by those wishing to stay in the federation, it is fair to ask whether independence was an option on the table at all. The decision to retain this plebiscite rests with the wider context and the fact that, had a majority voted to secede, even if it was not the intention of the elites who called the referendum or Serbia acting as the host-state, Montenegro would have been very likely to be recognised as an independence state under the ruling of the Badinter commission which granted Montenegro the same right of recognition as the other republics shall it decide to become independent (Pellet 1992; Roth 2015, see also chapter V).

The Belgrade and Podgorica governments were confident in holding the referendum given the weakness of existing independentist parties and the Montenegrin majority support for the continuation of the union, although how big of a majority is difficult to determine (Morrison 2009, 105; Roberts 2007, 443). The pro-independence actors in Montenegro – a marginal but more organised political force since 1990¹⁷⁰ – refuse to take part in the referendum held in 1992. Rallies were organised to oppose the referendum and the

¹⁷⁰ The Social Democratic party of Reformers was formed to oppose aggressive Serb nationalism, and a smaller but increasingly active Social Democratic Party (SDP, formed in 1990), and the Socialist Party of Montenegro (SPM) lead by Srdjan Darmanovic. Their ranks were also filled by Muslims and Albanian’s parties and organisations opposing “Serbia’s war” in the rest of the Balkans.

creation of the joint state. Leading the march was the Liberal Alliance of Montenegro party. Its leader, Slavok Perovic, called on an independent and multicultural Montenegro which would endorse “European values”, presenting a “liberal” alternative to the establishment. A rhetoric that will be ironically at the forefront of the DPS independence campaign in 2006, a party composed of some of the people who oversaw the referendum in 1992.

The referendum was held on the 1st of March 1992 and asked citizens “*Do you agree that Montenegro, as a sovereign republic, should continue to exist in the joint country of Yugoslavia, on a completely equal basis with other republics which wish to do so?*”. The question use of “sovereignty” and “country” favoured the Yes side. It was also a controversial question in respect to the term “Yugoslavia”, as the SFRY very existence could be questioned by the time Montenegrins express their wish to remain part of it (Ramcharan 1997, 1291). Furthermore, Serbia, the only other remaining potential member, did not hold a referendum.

To ensure a swift approval and transition to the new FRY, the “Law of the Referendum” introduced by the Montenegrin government at the time limited the period of public debate to seven days prior to voting day which allowed little room for those opposing the referendum or lobbying for a No vote to make their case. The press, controlled by the state, largely supported the new arrangement arguing that endorsing a Yes was protecting Yugoslavia and Montenegro from the nationalists who destabilised the region and personal threats were made against DPS opponents (Morrison 2009, 105).

The result reflected the biased context with 95.7 percent of Montenegrin casting a vote to preserve the union with Serbia, with a moderate turnout of 66 percent bringing some more controversy as to the legitimacy of the referendum outcome (Cohen 2001, 163). The LSCG called the referendum “a fraud”, along with Albanian and Muslim parties which had called for a boycott of the plebiscite. Montenegro and Serbia jointly established the Federal Republic of Yugoslavia (FRY) as the continuation of the SFRY formed of two constituting units: Serbia and Montenegro¹⁷¹ on April 27, 1992.

¹⁷¹ The international community refuted the claims that the FRY was the continuation of the SFRY (Rich 1993, 54), but recognised Serbia as the successor state in 2006 after Montenegro’s secession.

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Appendix D: List of hypotheses

Likelihood of secession and independence referendums:

HSec.1: Colonial Secessionist movements should result in a successful secession, regardless of whether a referendum was held.

HSec.2: Having held a unilateral independence referendum does not make a region more likely to have achieved independence than if no referendum was held.

HSec.3: Having held an agreed independence referendum makes a region more likely to have achieved independence than if a unilateral referendum, or no referendum, was held.

HSec.4: A unilateral independence referendum should not result in secession, even if a majority of voters endorse independence, and even there is a constitutional right to secede.

HSec.5: An agreed independence referendum should result in a successful secession if a majority of voters endorse independence, even if there is no constitutional right to secede.

Independence referendums and legality:

HLaw.1: An agreed independence referendum does not require a constitutional right to secession.

HLaw.2: A constitutional right to secession does not guarantee an agreed independence referendum process.

Where independence referendums are held:

HRef.1: an independence referendum is more likely to be held in a region where the population is culturally distinct from the host-state population.

HRef.2: an independence referendum is less likely to be held the longer the region has been part of a union with the host-state.

HRef.3: an independence referendum is less likely to be held if violent confrontations occurred between the region at risk of seceding and the host-state.

HRef.4: an independence referendum is more likely to occur during a period of political instability for the host-state.

HRef.5: an independence referendum is more likely to occur in a democratic host-state.

HRef.6: an independence referendum is less likely to occur if power-sharing is in place.

HRef.7: an independence referendum is more likely to occur in an ethnic-federation.

HRef.8: an independence referendum is more likely where the region's culturally distinct population representatives dominate the regional government

HRef.9: an independence referendum is less likely to occur in richer host-states.

HRef.10: an independence referendum is more likely to occur in more populous regions.

HRef.11: an independence referendum is more likely to occur in a richer regions relative to the host-state.

Where agreed independence referendums are held:

HRefA.1: A host-state government will consent to an independence referendum being held if support for secession is low.

HRefA.2: A host-state government will consent to an independence referendum being held if it deems the cost of retaining the territory and population outweigh the benefits.

HRefA.2a: an agreed independence referendum is more likely to occur the bigger the population of the region at risk of seceding is relative to the host-state.

HRefA.2c: an agreed independence referendum is less likely to occur if the host-state faces other secessionist movements within its territory.

HRefA.3: A host-state government will consent to an independence referendum being held if it deems it feels it has no choice but to do so due to external (e.g. great-powers or international organisations) or internal constraints (e.g. popular protest).

Support for secession and independence referendums:

HSup.1: the more familiar and polarised the electorate is with the debate around independence prior to the referendum being called, the less volatile it will be, limiting the ability of the independence referendum to affect the likelihood of secession occurring.

HSup.2: Support for independence will be higher among an electorate which has experienced violent conflict and/or lacks access to political representation. In this context, the referendum will act a mediator, facilitating secession, but not a moderator and substantially affect existing support for secession and the likelihood of seceding.

HSup3: the presence of a quorum on turnout can invalidate the expressed support for independence and make it more difficult to achieve secession.

HSup4: The presence of endorsement quorum will make it more difficult to achieve a qualifying majority support in favour of independence, and therefore secession.

HSup5: The longer the referendum campaign, the more opportunities offered to increase support for independence and the likelihood of achieving statehood.

HSup6: the presence of a No side campaign reduces support for independence.

